

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawai'i 96813

February 26, 2021

Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

**Subject:** Enforcement Action against Jason Beevers for Unlawful Collection of Aquatic Life for Aquarium Purposes within the West Hawai'i Regional Fishery Management Area, Island of Hawai'i.

**Summary:** This submittal requests the Board of Land and Natural Resources find that Jason Beevers violated Hawaii Administrative Rules ("HAR") §§ 13-60.4-4, 13-60.4-6, and 13-60.4-7 by possessing illegal aquarium collection gear and fish collected for aquarium purposes within the West Hawai'i Regional Fishery Management Area ("WHRFMA"). The Division of Aquatic Resources recommends that the Board of Land and Natural Resources approve an administrative fine of **\$69,800** against Jason Beevers.

**Date of Incident:** August 27, 2020

**Against:** Jason Beevers

**Location of Incident:** Within the West Hawaii Regional Fishery Management Area,<sup>1</sup> Kaulana Boat Ramp, South Point, Island of Hawai'i, Hawai'i.

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<sup>1</sup> The WHRFMA extends from Ka Lae, Ka'ū (South Point) to 'Upolu Point, North Kohala, from the upper reaches of the wash of the waves on shore, seaward to the limit of the States police power and management authority (3 nautical miles). HAR § 13-60.4-2(a).

## I. INTRODUCTION

At approximately 07:30 on August 27, 2020, Department of Land and Natural Resources (“DLNR”) Division of Conservation and Resources Enforcement (“DOCARE”) Officer Amanda Llanes was on patrol when she observed a vessel (HA 9218H) sitting in the bay North of South Point within the closed West Hawai‘i Regional Fishery Management Area (“WHRFMA”). Upon intercepting vessel HA 9218H at the Kaulana Boat Ramp and an initial investigation, Officer Llanes discovered that the vessel belonged to Jason Beevers (“BEEVERS”), a known aquarium fish collector who was onboard at the time. The officer also discovered that the vessel contained aquarium fish along with multiple gear and permit violations. Further investigation showed that BEEVERS’ statements did not match the officer’s observations. Furthermore, BEEVERS admitted to collecting aquarium fish in and around an area known as Pohue Bay within the WHRFMA. At approximately 17:00, the DOCARE Officers at the scene arrested BEEVERS. The Division of Aquatic Resources (“DAR”) was contacted and asked to assist in the investigation. DOCARE Officers investigated and documented the incident. The DOCARE Report is attached as **Exhibit A**.

DAR recommends that the Board of Land and Natural Resources (“Board”) approve the proposed administrative fines of **\$69,800** against BEEVERS for the unlawful aquarium collection activities.

## II. FACTUAL BACKGROUND

### A. Recent history of the prohibition on Aquarium Collection in the West Hawai‘i Regional Fishery Management Area

The WHRFMA extends from Ka Lae, Ka‘ū (South Point) to ‘Upolu Point, North Kohala, from the upper reaches of the wash of the waves on shore, seaward to the limit of the States police power and management authority (3 nautical miles). The waters of Pohue Bay are well within the WHRFMA.

It is a violation to possess “aquarium collecting gear” or to take or possess any specimen of “aquatic life” for “aquarium purposes” while within the WHRFMA without proper permits under chapter 13-60.4, Hawaii Administrative Rules (“HAR”). A detailed discussion of the legal authority for enforcement of these rules is discussed in section “III,” below.

On September 7, 2017, DAR ceased issuing and renewing West Hawai‘i aquarium permits under HAR § 13-60.4-7(a) and State of Hawai‘i aquarium fish permits under Hawai‘i Revised Statutes (“HRS”) § 188-31. On October 27, 2017, by court order, all State of Hawai‘i commercial aquarium fish permits were declared invalid.<sup>2</sup> As of January 5, 2018, there is a total prohibition on all commercial aquarium collection within the WHRFMA. This prohibition includes transit through the WHRFMA with aquarium collection gear or while in possession of live aquatic life.

### B. The August 27, 2020 incident

On August 27, 2020 at approximately 07:30, DOCARE Officer Amanda Llanes was patrolling an area known as “broken road” at South Point, Hawai‘i Island, in response to multiple ongoing

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<sup>2</sup> *Umbergerv. Dept. of Land & Nat. Res.*, 140 Haw. 500, 529, 403 P.3d 277, 306 (2017).

complaints of illegal aquarium fish collection occurring within the WHRFMA near South Point. There, Officer Llanes observed and photographed a vessel (HA 9218H) sitting within the WHRFMA. While observing vessel HA 9218H, an anonymous local fisherman approached Officer Llanes and provided information about the vessel. The fisherman stated that the vessel was owned by BEEVERS, that on previous occasions the fisherman had personally observed hundreds of live fish aboard the vessel after it came to shore, and that to his knowledge, BEEVERS went out at least four times a week and collected fish in the closed area.

At approximately 08:30, Officer Llanes called DOCARE Hawai'i Island Branch Chief Lino Kamakau and reported her personal observations and the information she learned from the anonymous local fisherman. At approximately 15:00, Officer Llanes was situated in her vehicle near the Kaulana Boat Ramp and observed vessel HA 9218H with two males onboard returning from North of Kalae Point and heading in a southerly direction towards Kaulana Boat Ramp.

Once vessel HA 9218H was trailered at Kaulana Boat Ramp at approximately 15:10, Officer Llanes identified the owner and operator of the vessel as BEEVERS. Officer Llanes boarded vessel HA 9218H to conduct a routine boating inspection for safety equipment. Once onboard, Officer Llanes observed a large white cooler that was partially opened and that contained what appeared to be live yellow tang. Officer Llanes also observed SCUBA tanks, an underwater torpedo propeller, live-bait fish buckets, hand nets, containers to hold live fish underwater, and three-prong spears. Upon inspection, BEEVERS did not have the required distress signals as the ones onboard had expired in July. BEEVERS provided Officer Llanes with his Commercial Marine License ("CML") (#30307) and stated that he was out for commercial purposes.

At approximately 15:30, Officer Llanes advised BEEVERS of his rights and asked him to explain in detail what he had done that day. BEEVERS stated to Officer Llanes that he left the Kaulana Boat Ramp at approximately 07:00, trolled North for a mile or two, then trolled back South to Ka'alu'alu in the ono lane, which he stated was at about 80 fathoms. BEEVERS then stated that once he got to Ka'alu'alu, he collected aquarium fish. Ka'alu'alu is located outside of the WHRFMA.

At approximately 15:40, while Officer Llanes was talking with BEEVERS onboard vessel HA 9218H, Chief Kamakau arrived on scene, along with assisting DOCARE officers Kainoa Keawe, Destiny Ho'opi'i, and Kelly Woods, and National Oceanic and Atmospheric Administration ("NOAA") Officer David Carruthers. These officers proceeded to assist Officer Llanes with the investigation.

Officer Llanes asked BEEVERS how many fish he had caught. BEEVERS said there were about 300 yellow tang and 3 Achilles tang. BEEVERS then opened a cooler and showed Officer Llanes the fish. BEEVERS stated that he had caught the fish using a net and proceeded to pull out a lay net from a compartment on the vessel. The lay net had a stretched eye mesh of approximately two inches, which is smaller than the legal minimum mesh of two and three-quarter inches for lay nets. Officer Llanes observed that the lay net was not tagged and registered as required. BEEVERS said he also used a slurp gun and proceeded to retrieve a slurp gun from a compartment.

Chief Kamakau inspected the slurp gun that BEEVERS claimed to have used and observed that it appeared to contain mud-like residue, cobwebs, and dust, indicating it was unlikely to have been recently used. Chief Kamakau informed Officer Llanes of his observations of the slurp gun

and that he believed that BEEVERS was being dishonest about his activities that day.

Officer Llanes informed BEEVERS of her own personal observations of vessel HA 9218H that morning, and explained that they did not line up with his account of his activities that day. Officer Llanes asked BEEVERS if he had a GPS onboard, to which he stated that he did, but that it didn't work. With BEEVERS' permission, Officer Llanes turned on the GPS and checked its recent tracks. According to the GPS, vessel HA 9218H had left the Kaulana Boat Ramp and had gone north into the WHRFMA, and had remained in the WHRFMA all day until it returned to the ramp. This observation corroborated Officer Llanes' own observations of the vessel's activity. Officer Llanes showed BEEVERS the picture she had taken of vessel HA 9218H that morning and asked BEEVERS if that was his vessel. BEEVERS stated that it was.

Upon further inspection of vessel HA 9218H, Officer Llanes observed a second lay net onboard, which had a stretched eye mesh measuring approximately one inch (also illegal). This net was also not tagged or registered as required.

At the time of the incident, vessel HA 9218H was not registered as an aquarium collecting vessel. Additionally, vessel HA 9218H did not have the required "AQ" markings on both sides of the vessel, nor did the vessel display the required aquarium pennant visible from both sides of the vessel.

Officer Llanes stated to BEEVERS that, according to her observations, he was in violation of numerous regulations, including possessing aquarium collecting gear in the WHRFMA, possessing SCUBA gear and spearfishing equipment together, possessing a non-registered lay net, having an unmarked unregistered aquarium vessel, and not having his aquarium gear tagged and marked. BEEVERS acknowledged the violations.

After further questioning, BEEVERS admitted to Officer Llanes that he had in fact collected the fish within the WHRFMA, specifically at multiple spots in the waters fronting Ranchos, Ocean View. BEEVERS also admitted that he had used the illegal nets to collect them.

Given that the Officers were unable to corroborate their observations with the statement given by BEEVERS, and given the large number of violations, Chief Kamakau arrested BEEVERS.

Officer Llanes, assisted by Officer Woods, counted and identified the following fish recovered from vessel HA 9218H:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Count</u>
Yellow tang	<i>Zebrasoma flavescens</i>	333
Achilles tang	<i>Acanthurus achilles</i>	3
<b>Total Fish Count</b>		<b>336</b>

The fish were recorded, photographed, and returned to the ocean outside the ramp area. This data appears on page 10 of the DOCARE Investigative Report, which is attached as **Exhibit A**.

DAR is recommending administrative fines of \$69,800 for these observed violations.



### III. LEGAL AUTHORITY FOR ENFORCEMENT

#### A. WHRFMA Regulations

The WHRFMA is regulated by Hawaii Administrative Rules (“HAR”) Title 13, Chapter 60.4.

“Aquarium collecting gear” is defined as “any equipment or gear adapted, designed, or commonly used to collect, capture or maintain aquatic life alive in a state of captivity, including but not limited to hand nets, fence or barrier nets, fiberglass, plastic, wood or metal 'tickle sticks' (including spears or similar implements used to manipulate the movement of aquarium fish or animals), catch buckets, keeps, baskets or venting needles.” HAR § 13-60.4-3.

“Aquarium collecting vessel” is defined “as any motorized or non-motorized vessel used by any person to collect, ferry, or scout for aquarium fish or animals.” HAR § 13-60.4-3.

“Aquarium purposes” is defined as “to hold aquatic life alive in a state of captivity, whether as pets, for scientific study, for public exhibition, for public display, or for sale for these purposes. Aquatic life collected under a valid aquarium permit may not be used for human consumption, for bait, or for other consumptive purposes.” HAR § 13-60.4-3.

“Aquatic life” is defined as “any type or species of mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, invertebrate, coral, or other animal that inhabits the freshwater or marine environment and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, products, and other parts thereof.” HAR § 13-60.4-3.

“Fishing gear” is defined as “any spear, rod, reel, hook-and-line, slurp gun, or any other equipment or gear adapted, designed, or commonly used to take or capture aquatic life.” HAR § 13-60.4-3.

“Lay net” is defined as “a panel of net mesh that is suspended vertically in the water with the aid of a float line that supports the top edge of the net upward towards the water surface and a lead line that keeps the bottom edge of the net downward towards the ocean bottom.” HAR § 13-60.4-3

“SCUBA gear” is defined as “any equipment adapted, designed, or commonly used to enable a diver to breathe while underwater, including but not limited to SCUBA regulators, high pressure cylinders, rebreathers, SNUBA, and hookah rigs.” HAR § 13-60.4-3

“Spear” is defined as “any device or implement which is designed or used for impaling marine life. Spears may include but are not limited to spear gun shafts, arbaletes, arrows, bolts, Hawaiian slings, tridents, or three-prong spears. A diver knife is not considered to be a spear.” HAR § 13-60.4-3

HAR § 13-60.4-4(3)(B) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes: . . . [w]ithout holding a valid West Hawai‘i aquarium permit issued pursuant to section 13-60.4-7(a).”

HAR § 13-60.4-4(3)(D) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess aquarium collecting gear, or take or possess any specimen of aquatic life for

aquarium purposes: . . . [w]hile occupying any vessel that does not conform to the registration and marking requirements of section 13-60.4-7(d).<sup>3</sup>”

HAR § 13-60.4-4(4) provides in relevant part that while within the WHRFMA, no person shall “[p]ossess or use any net or container employed underwater to capture or hold aquatic life alive for aquarium purposes, that is not labeled with the commercial marine license number or numbers of the person or persons owning, possessing or using the equipment.”

HAR § 13-60.4-4(6) provides in relevant part that while within the WHRFMA, no person shall “[e]ngage in or attempt to engage in SCUBA spearfishing, possess both SCUBA gear and a spear at the same time.”

HAR § 13-60.4-6(a) provides in relevant part that “[i]t is unlawful for any person within the West Hawai‘i regional fishery management area to . . . (1) Possess or use a lay net that has not been registered with the [DLNR]; (2) Possess or use more than one lay net; [or] (3) Possess or use a lay net . . . (B) With less than two and three-fourths inches stretched mesh.”

HAR § 13-60.4-7(a) provides in relevant part that “[n]o person, unless exempted from provisions of this chapter by the issuance and possession of a valid special activity permit under section 187A-6, Hawaii Revised Statutes, shall engage in aquarium collecting activities within the West Hawai‘i regional fishery management area without first having been issued and possessing a West Hawai‘i aquarium permit in addition to a valid State of Hawai‘i aquarium fish permit.”

HAR § 13-60.4-7(c)(1–3) provides in relevant part that “[a]ll aquarium collecting vessels shall: (1) Be registered every year with the Division of Aquatic Resources West Hawai‘i (DAR-Kona) office to take aquatic life for aquarium purposes within the West Hawai‘i regional fishery management area . . . (2) Clearly display the capital letters ‘AQ’ permanently affixed to both sides of the vessel . . . (3) Fly a “stiffened” flag or pennant from the vessel with the letter ‘A’ as specified by the department. . . . The flag or pennant shall be displayed and clearly visible from both sides of the vessel at all times while aquarium collecting gear or collected aquarium marine life or both are onboard.”

## **B. Fishing Gear Regulations**

Fishing gear regulations are found in HAR Title 13, Chapter 75.

“Stretched mesh” is defined as “the straight line distance between two opposite inner edges of each eye of the net mesh as measured when the eye is stretched to its maximum size.” HAR § 13-75-1.

## **C. Administrative fines authorized for violations of HAR Title 13, Chapter 60.4**

Hawai‘i Revised Statutes (“HRS”) § 187A-12.5(c) provides the administrative penalties for violations relating to aquatic resources, including HAR chapter 13-60.4 (WHRFMA), as follows:

- (1) For a first violation, a fine of not more than \$1,000; (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and (3) For a third or

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<sup>3</sup> HAR § 13-60.4-4(3)(D) incorrectly references section 13-60.4-7(d). The correct reference is section 13-60.4-7(c).

subsequent violation within five years of the last violation, a fine of not more than \$3,000.

HRS § 187A-12.5(e) also provides that “[i]n addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.” The definition of “aquatic life” includes fish. *See* HRS § 187A-1.

#### IV. APPLICATION OF LAW AND RECOMMENDED FINE

##### A. Applicable violations

The following rules were violated:

- 1) **HAR § 13-60.4-4(3)(B) – possession of aquarium collecting gear or aquatic life for aquarium purposes without a valid West Hawai‘i aquarium permit.** While within the WHRFMA, BEEVERS was in possession of aquarium collecting gear and live aquatic life onboard his vessel (HA 9218H), but he did not possess a valid West Hawai‘i aquarium permit issued pursuant to section 13-60.4-7(a).
- 2) **HAR § 13-60.4-4(3)(D) – possession of aquarium collecting gear or aquatic life for aquarium purposes on an unregistered/unmarked aquarium collection vessel.** While within the WHRFMA, BEEVERS was in possession of aquarium collecting gear and live aquatic life onboard vessel HA 9218H, which was both unmarked and unregistered, in violation of section 13-60.4-7(d).
- 3) **HAR § 13-60.4-4(4) – possession of unmarked commercial aquarium collecting gear.** While within the WHRFMA, BEEVERS was in possession of aquarium gear (two lay nets with small mesh) that was not labeled with his CML number.
- 4) **HAR § 13-60.4-4(6) – possession of both SCUBA gear and a spear at the same time.** While onboard vessel HA 9218H within the WHRFMA, BEEVERS was in possession of SCUBA gear and a spear at the same time.
- 5) **HAR § 13-60.4-6(a)(1) – possession of an unregistered lay net.** BEEVERS was in possession of two lay nets with small mesh, neither of which had been registered with the DLNR, onboard vessel HA 9218H while located within the WHRFMA.
- 6) **HAR § 13-60.4-6(a)(2) – possession of more than one lay net.** BEEVERS was in possession of more than one lay net (there were two) onboard vessel HA 9218H while located within the WHRFMA.
- 7) **HAR § 13-60.4-6(a)(3)(B) – possession or use of a lay net which is of less than two and three-fourths inches stretched mesh.** BEEVERS was in possession of two lay nets, one with an approximately two-inch mesh and one with an approximately one-inch mesh, onboard vessel HA 9218H while located within the WHRFMA.
- 8) **HAR § 13-60.4-7(a) – engaging in aquarium collecting activities without a valid State of Hawai‘i aquarium fish permit.** BEEVERS did not have a valid State of Hawai‘i aquarium

fish permit under HRS § 188-31 at the time of the alleged violations. The presence of aquarium collecting gear and several hundred live specimens onboard vessel HA 9218H suggests that it is more likely than not that BEEVERS engaged in illegal aquarium collecting activities in the WHRFMA. Although “aquarium collecting activities” is not specifically defined by the rules, DAR has consistently interpreted the term as encompassing all actions, including vessel operation and transportation, associated with the collection of aquarium fish.

- 9) **HAR § 13-60.4-7(c)(1) – failure to register as an aquarium collecting vessel.** BEEVERS did not register vessel HA 9218H as an aquarium collecting vessel as required by law.
- 10) **HAR § 13-60.4-7(c)(2) – failure to display the required “AQ” marking on both sides of the vessel.** Vessel HA 9218H did not clearly display the capital letters “AQ” permanently affixed to both sides of the vessel, as required by law for aquarium collecting vessels. As the last registered owner of vessel HA 9218H, BEEVERS is responsible.
- 11) **HAR § 13-60.4-7(c)(3) – failure to display the aquarium pennant.** The vessel HA 9218H did not fly a “stiffened” flag or pennant from the vessel with the letter “A,” as required by law for aquarium collecting vessels with aquarium collecting gear or collected aquarium marine life onboard. As the operator and last registered owner of vessel HA 9218H, BEEVERS is responsible.

## **B. Maximum authorized fines**

Section § 187A-12.5, HRS, authorizes an administrative fine of \$1,000 for a first-time violation, as well as an additional \$1,000 per specimen taken.

As outlined above, BEEVERS violated eleven distinct rules, two of which were violated twice,<sup>4</sup> for a maximum fine of \$13,000.

Given the documented unlawful possession of 336 live fish onboard vessel HA 9218H, the maximum administrative fine authorized for the specimens taken would be \$336,000.

## **C. Recommended fines**

The Board has broad discretion in assessing administrative fines for a natural resource violation. In 2014, the Board adopted an Administrative Sanctions Schedule to facilitate the standardization of enforcement for violations of aquatic resource laws. This schedule recommends a \$200 fine for each of the applicable violations and a \$200 fine per specimen taken.<sup>5</sup> Based on this schedule, the recommended fine against BEEVERS is **\$69,800**.

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<sup>4</sup> Beevers was in possession of two unregistered and illegal mesh lay nets. Each lay net may be considered a separate violation.

<sup>5</sup> Item 2-3. Category 3 Violations – Unlawful Fishing Gear; Unlawful Vessel Activity.

- (b) A person commits a category 3 violation if he or she violates any of the following provisions:
  - (1) Rules...relating to the use or possession of unlawful fishing gear or methods within any MLCD, Marine FMA, or Freshwater FMA;

<b>Violations</b>	<b>Fine</b>	<b>Count</b>	<b>Total</b>
No West Hawaii Aquarium Permit	\$200	1	\$200
Aquarium gear on unregistered vessel	\$200	1	\$200
Unmarked aquarium gear	\$200	1	\$200
Possession of SCUBA gear and spear	\$200	1	\$200
Unregistered lay net	\$200	2	\$400
Possession of more than one lay net	\$200	1	\$200
Illegal meshed lay net	\$200	2	\$400
No State Aquarium Permit	\$200	1	\$200
Failure to register as aquarium vessel	\$200	1	\$200
Failure to display "AQ"	\$200	1	\$200
Failure to display pennant	\$200	1	\$200
Specimens unlawfully taken/possessed	\$200	336	\$67,200
<b>Total Fine</b>			<b>\$69,800</b>

#### **D. Other considerations**

In assessing fines, the Board may also consider the market value of the natural resources taken,<sup>6</sup> as well as pecuniary gains that may be potentially realized by the respondent from an unauthorized commercial activity.<sup>7</sup> The following table shows current retail prices of the unlawfully taken aquarium fish species as listed on three online tropical fish stores on January 4, 2021, as well as the average price per species. The approximate total retail value of the 235 illegally taken specimens is shown in the right-hand column.

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- (2) Rules...relating to unlawful mooring, anchoring, or operation of a vessel within any MLCD, Marine FMA, or Freshwater FMA;
  - (3) Rules...relating to unlawful fishing for aquatic life without an appropriate license or permit, where a license or permit is required; ...
  - (c) For category 3 violations, administrative fines shall be imposed as follows:
    - (1) For a first category 3 violation, an administrative fine of up to \$200 shall be assessed...
  - (d) In addition to any fines assessed for a category 3 violation... an additional fine shall be assessed for each specimen of aquatic life taken, killed, or injured... as provided for in Items 2-4(c), (d), & (e) of this Administrative Sanctions Schedule.
- Item 2-4. Category 4 Violations – Unlawful Extractive Activity.
- (c) For category 4 violations, except as provided in Items 2-4(d) and (e), below, administrative fines shall be imposed as follows:
    - (1) For a first category 4 violation, an administrative fine of up to \$200 per specimen shall be assessed...

<sup>6</sup>HAR § 13-1-70(c)(1).

<sup>7</sup>HAR § 13-1-70(c)(7).

Species	LiveAqua ria.com price	FreshMar ine.com price	Bluezoaq uatics.com price	Average Retail Price	Count	Total Retail Value
Yellow tang	\$119.99	\$69.98	\$129.99	\$106.65	333	\$35,514.45
Achilles Tang	\$319.99	\$249.99	\$399.99	\$323.32	3	\$969.96
<b>TOTAL</b>						<b>\$36,484.41</b>

## V. RECOMMENDATIONS

1. That the Board find that Jason Beevers violated HAR §§ 13-60.4-4(3)(B), 13-60.4-4(3)(D), 13-60.4-4(4), 13-60.4-4(6), 13-60.4-6(a)(1), 13-60.4-6(a)(2), 13-60.4-6(a)(3)(B), 13-60.4-7(a), 13-60.4-7(c)(1), 13-60.4-7(c)(2), and 13-60.4-7(c)(3).
2. That the Board assess an administrative fine of \$69,800 against Jason Beevers to be paid within 60 days of the date of this submittal.

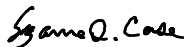
Respectfully Submitted,




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Brian Neilson, Administrator  
Division of Aquatic Resources

APPROVED FOR SUBMITTAL:




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Suzanne D. Case, Chairperson  
Department of Land and Natural Resources

**Exhibit A (Item F-2)**

20-00604



State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number <b>HA-20-00604</b>	District <b>NORTHERN</b>	Lead Investigator <b>Kamakau, Lino M - KAMAL</b>
Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>	Classification <b>COLLECT AQUATIC LIFE FOR AQUARIUM</b>
Status <b>ARR ARRESTED</b>	Activity Code <b>Marine Protected Areas (MPA)</b>	

**Incident and Report Control****A. COMPLAINT**Taken By: **Kamakau, Lino M**Reported Date/Time: **8/27/2020 8:31:00 AM**How Taken: **ON BEAT**

Incident Summary:

Incident Summary: On 08-27-20, at 1700 Hrs., defendant Jason W.F. BEEVERS, [REDACTED] of Naalehu was Arrested and Charged for Activities Prohibited within WHRFMA, Collecting of Aquatic Life, within a closed area, section 13-60.4-5(B)(1), of the Hawaii Administrative Rules, along with numerous other violations. He was released on his own recognizance pending his court date set for October 8, 2020, at 0830 Hrs., at the Kau-Kona District Court.

INV. CONTINUING

ARRESTED **BEEVERS, JASON W. F.**Location: **SOUTH POINT**Occurred From: **8/27/2020 0831**Occurred To: **8/27/2020 1445****B. REPORT CONTROL**Branch: **HAWAII**District: **HWEHAW**Lead Investigator: **Kamakau, Lino M****C. NOTES/DISPOSITION/OTHER INFO**Disposition: **ARRESTED**

KONA	ST. PARKS
HILO	DOBOR
KAMUELA	PROSECUTOR <u>9-17-2020</u>
HONOLULU	FEDERAL
AQUATICS <u>-bany 9-18-20</u>	HP
DOFAW	OCCL
LAND DIV	<u>HAPP emailed to Lino</u>
	<u>D. Carmonas 9-18-20</u>



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number <b>HA-20-00604</b>	Report Number	District <b>WEST HAWAII (HAWAII)</b>	Lead Investigator <b>Kamakau, Lino M - KAMAL</b>
Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>	Classification <b>DIV OF AQUATIC RESOURCES</b>	
Status <b>ARR ARRESTED</b>	Activity Code <b>Marine Protected Areas (MPA)</b>		

## Investigation Report

☒ Fishing ☐ Hunting ☐ Boating ☐ Drug Rel. ☐ Forestry ☐ NOAA ☐ JEA ☐ Land - OCCL ☐ CWRM ☐ Historic ☐ State Parks ☐ KAIC ☐ Other

## BASIC

Classification <b>13-60.4-5(b)(1) COLLECT AQUATIC LIFE FOR AQUARIUM</b>	Source <b>ONBEAT ON BEAT</b>		
Location of Incident / Intersecting Street <b>KAULANA BOAT RAMP FRONTING POHUE BAY OCEAN VIEW HI 96737 X-Street:</b>	Island <b>HAWAII</b>	Branch <b>HAWAII</b>	
Category <b>MARINE FMA</b>	Weather <b>CLEAR</b>	Date / Time Occurred From <b>8/27/2020 0831</b>	Date / Time Occurred to <b>8/27/2020 1445</b>
WEAPONS USED:			

## INVOLVED VEHICLES

Type <b>BOAT</b>	Vessel/Boat <b>1997</b>	Year <b>1997</b>	Make	Model	Color <b>WHI</b>	License / HA Number <b>HA9218H HI</b>	Length <b>24</b>	Involvement <b>SUSPV SUSPECT VEHICLE</b>
Person/Vehicle Involvement								
OWN/OP <b>BEEVERS, JASON</b>								
OWN/OP <b>HA9218H</b>								

## INVOLVED VESSELS / BOATS

U.S.C.G. Number	Vessel Name <b>FORCE/ KAHUKAI</b>	Use <b>CO</b>	Length <b>24</b>	Beam	Weight	Involvement Code <b>SUSPV</b>	
Propulsion <b>OB</b>	Engine Type <b>OT</b>	Number of Engines <b>2</b>	Hull Type <b>FI</b>	Draft <b>Forward</b>	Alt	Registration Number <b>HA9218H</b>	State <b>HI</b>

## PERSONS

Name (Last, First, Middle) <b>BEEVERS, JASON W. F.</b>	Juvenile <input type="checkbox"/>	Sex	Race	Age	Date of Birth
Address					
Category <b>ARRESTED</b>					
CODE: <b>ARR</b>		Home Phone		Other Phone	
Name <b>SOUTH POINT</b>					
Category <b>BUSN</b>		Business Address			
Phone 1	Phone 2	Phone 3			

## SYNOPSIS

Narrative Created By / Date  
**Kamakau, Lino M** *[Signature]* **09/01/2020**

Approved By / On

On 08-27-20, at 1700 Hrs., defendant Jason W.F. BEEVERS, [REDACTED] of Naalehu was Arrested and Charged for Activities Prohibited within WHRFMA, Collecting of Aquatic Life, within a closed area, section 13-60.4-5(B) (1), of the Hawaii Administrative Rules, along with numerous other violations. He was released on his own recognizance pending his court date set for October 8, 2020, at 0830 Hrs., at the Kau-Kona District Court.

INV. CONTINUING

## ARREST / CITATION / WARNING INFORMATION

Written By: **Kamakau, Lino M**  
**09/11/2020**

Approved By:

PAGE 1





## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

Log Number <b>HA-20-00604</b>	Report Number <b>WEST HAWAII (HAWAII)</b>	Lead Investigator <b>Kamakau, Lino M - KAMAL</b>
Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>	Classification <b>DIV OF AQUATIC RESOURCES</b>
Status <b>ARR ARRESTED</b>	Activity Code <b>Marine Protected Areas (MPA)</b>	

## ARREST / CITATION / WARNING INFORMATION

Arrest Date <b>08/27/2020</b>	Person Arrested (Last Name, First, Middle) <b>BEEVERS JASON W. F.</b>	Juvenile
Ticket / Complaint Number	Tracking Number	Arrest Disposition
Primary Charge <b>13-60.4-5(b)(1) COLLECT AQUATIC LIFE FOR AQUARIUM</b>		Count(s) <b>1</b>
Arresting Officer 1 <b>KAMAL Kamakau, Lino M</b>	Arresting Officer 2	Blood / Alcohol Arrest Summons <input type="checkbox"/> <input type="checkbox"/>

## Secondary Charge(s)

Charge <b>13-60.4-4(3)(B)</b>	Count(s) <b>2</b>	Description <b>WITHOUT HOLDING A VALID WEST HAWAII AQ</b>
Charge <b>13-60.4-7(c)(1)</b>	Count(s) <b>3</b>	Description <b>REGISTERED EVERY YEAR W/DAR-KONA OFFI</b>
Charge <b>13-60.4-7(c)(2)</b>	Count(s) <b>4</b>	Description <b>CLEARLY DISPLAY "AQ" AFFIXED ON BOTH SI</b>
Charge <b>13-60.4-7(c)(3)</b>	Count(s) <b>5</b>	Description <b>FLY "STIFFENED" FLAG/PENNANT W/LETTER '</b>
Charge <b>13-60.4-7(c)(4)</b>	Count(s) <b>6</b>	Description <b>DIVE FLAG DISPLAYED WHILE DIVERS ARE IN</b>
Charge <b>13-60.4-4(3)(A)</b>	Count(s) <b>7</b>	Description <b>POSSESS AQUARIUM COLLECT.GEAR/TAKE/P</b>
Charge <b>13-60.4-4(4)</b>	Count(s) <b>8</b>	Description <b>POSSESS/USE ANY NET/CONTAINER USED UN</b>
Charge <b>13-60.4-5(b)(2)</b>	Count(s) <b>9</b>	Description <b>POSSESS ANY AQUARIUM COLLECTING GEAR</b>
Charge <b>13-60.4-4(6)</b>	Count(s) <b>10</b>	Description <b>ENGAGE/ATTEMPT/POSSESS SCUBA GEAR/SF</b>
Charge <b>13-75-12.4(a)(2)(B)</b>	Count(s) <b>11</b>	Description <b>POSSESS/USE WHEN LESS THAN 2-3/4" STRE1</b>
Charge <b>13-75-12.4(a)(2)(B)</b>	Count(s) <b>12</b>	Description <b>POSSESS/USE WHEN LESS THAN 2-3/4" STRE1</b>
Charge <b>13-75-12.4(a)(1)</b>	Count(s) <b>13</b>	Description <b>POSSESS/USE LAY NET THAT HAS NOT BEEN</b>
Charge <b>13-75-12.4(a)(1)</b>	Count(s) <b>14</b>	Description <b>POSSESS/USE LAY NET THAT HAS NOT BEEN</b>
Charge <b>13-60.4-7(c)(1)</b>	Count(s) <b>15</b>	Description <b>REGISTERED EVERY YEAR W/DAR-KONA OFFI</b>
Charge <b>13-60.4-4(5)</b>	Count(s) <b>16</b>	Description <b>POSSESS A LAY NET/ENGAGE IN LAY NET FIS</b>

## RESPONDING / INVOLVED UNITS, OFFICERS, AND TIMES

Division	Supervisor
HAWA	
Unit Number	Officer / ID (Ofcr 1 / Ofcr 2)
6	Kamakau, Lino M
6-39	Llanes, Amanda
6-45	Keawe, Kainoa
6-23	WOODS, KELLY A
	Officer / ID (Ofcr 3 / Ofcr 4)
	KAMAL
	LLANA
	KEAWK
	WOODKA

## INVESTIGATION

Narrative Created By / Date <b>Kamakau, Lino M 09/10/2020</b>	Approved By / On
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## INVESTIGATION

Narrative Created By / Date <b>Kamakau, Lino M 09/11/2020</b>	Approved By:
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Log Number <b>HA-20-00604</b>	Report Number	District <b>WEST HAWAII (HAWAII)</b>	Lead Investigator <b>Kamakau, Lino M - KAMAL</b>
Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>		Classification <b>DIV OF AQUATIC RESOURCES</b>
Status <b>ARR ARRESTED</b>	Activity Code <b>Marine Protected Areas (MPA)</b>		

Kamakau, Lino M

09/11/2020

INFORMATION RECEIVED

On 08-27-20 at 0831 Hrs., I received information from Ofcr. A. LLANES who was on patrol at South Point and she observed a vessel "sitting" within the bay North of South Point. With prior information on known tropical divers and complaints she receive from South Point users, she learned that the "sitting" vessel belonged to Jason Beevers, a tropical fish diver from South Point.

With the information provided to me, we decided that Ofcr. LLANES would remain in the area and continue surveillance on said vessel.

Knowing that Ofcr. LLANES was still at South Point, Ofcrs. Kainoa KEAWE, Destiny HOOPII, Kelly WOODS and myself proceeded to South Point.

At approximately 1428 Hrs., I received information from Ofcr. KEAWE that the vessel in question was heading to the boat ramp. I continued heading to South Point and arrived at approximately 1540 Hrs.

OBSERVATION

Upon arrival at the Kaulana Boat Ramp, at South Point, I observed Ofcr. LLANES on said vessel. I also observed a Caucasian male whom she was talking too.

2nd INFORMATION RECEIVED

At approximately 1630 Hrs., I spoke to Ofcr. LLANES who spoke to the male party and learned that he is Jason BEEVERS, owner of the vessel, who she observed within the closed West Hawaii Regional Fisheries Management Area (WHRFMA). She stated that he has aquarium fish in his vessel along with numerous other gear and permit violations related to the WHRFMA.

DAR CONTACTED

At approximately 1600 Hrs., I contacted Laura JACKSON of Division of Aquatics Resources for advice as to where we can release the fish that BEEVERS had caught. JACKSON stated releasing the fish at the Kaulana Boat Ramp is okay as long as we released the fish far enough outside where they would be able to reach a reef.

2nd OBSERVATION

While inspecting evidence that BEEVERS claimed he used to catch the aquarium fish, I noticed conflicting stories that didn't line up with what I observed from the evidence. During my observation check of the "slurp gun", that was supposedly used in the collection of the tropical fish, I noticed that the inside of the transparent barrel had residue that resembles mud and also cobwebs that was located in the back end (handle) area. I relayed my observation to Ofcr. LLANES of which I later overheard BEEVERS tell Ofcr. LLANES that was the wrong "slurp gun".



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

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Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>	Classification <b>DIV OF AQUATIC RESOURCES</b>	
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He handed Ofcr. LLANES a second "slurp gun", of which was given to me, and I observed the same type mud like residue on the inside of the transparent barrel, cobwebs by the handle area and dust on the exterior of the barrel. Again I relayed that information to Ofcr. LLANES.

As officers continued to remove evidence from the vessel, I observed two scoop nets that were supposedly used to harvest tropical fish. After touching/feeling both nets, I noticed that one net was wet and the other net was dry. Again, that information was relayed to Ofcr. LLANES.

#### DEFENDANT ARRESTED

On 08-27-20 at 1700 Hrs., after noting that the defendants story didn't match the evidence that I observed, he was placed under arrest for the first charge of Activities Prohibited within selected areas (collecting of aquarium fish), section 13-60.4-5 (B) (1) of the Hawaii Administrative Rules.

For further information on this arrest, refer to the Booking Sheet that is attached to this report.

See below sub-heading for additional charges.

#### ADDITIONAL CHARGES

Besides the above first charge, said defendant has additional charges listed below:

2. Activities Prohibited within the WHRFMA, 13-60.4-4(3)(B)
3. Aquarium collecting permit and vessel registration required, 13-60.4-7(C)(1)
4. Aquarium collecting permit and vessel registration required (failure to display "AQ"), 13-60.4-7(C)(2)
5. Aquarium collecting permit and vessel registration required (failure to fly stiffened "A" flag), 13-60.4-7(C)(3)
6. Aquarium collecting permit and vessel registration required (failure to display a dive flag), 13-60.4-7(C)(4)
7. Activities Prohibited within the WHRFMA (possess AQ gear), 13-60.4-4(3)(A)
8. Activities Prohibited within the WHRFMA (possess unmarked AQ gear), 13-60.4-4(4)
9. Activities Prohibited within the WHRFMA (possess AQ gear), 13-60.4-5(B)(2)
10. Activities Prohibited within the WHRFMA (possess SCUBA gear), 13-60.4-4(6)
11. Lay Nets (less than 2 ¾ inches stretched mesh), 13-75-12.4(a)(2)(B)  
Note: White nylon (2")



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12. Lay Nets (less than 2 ¾ inches stretched mesh), 13-75-12.4(a)(2)(B)  
Note: Maroon in color (1")

13. Lay Nets (Net not registered), 13-75-12.4(a)(1) Note: White nylon

14. Lay Nets (Net not registered), 13-75-12.4(a)(1) Note: Maroon in color

15. Aquarium Vessel Registration requirements, 13-60.4-7(C)(1)

16. Activities Prohibited within the WHRFMA (possess/engage lay net),  
13-60.4-4(5)

#### DEFENDANT TRANSPORTED/PROCESSED

On 08-27-20 at approximately 1720 Hrs., I transported said defendant to the Hawaii County Police Station, Ka'u District, for processing.

#### DEFENDANT CHARGED/RELEASED

On 08-27-20 at approximately 2015 Hrs., the defendant Jason BEEVERS was charged with the 16 above listed charges. He was also released on his own recognizance and given a court date appearance set for October 8, 2020, at 0830 Hrs., at the Ka'u-Kona District Court.

#### OBSERVATION/VESSEL INSPECTION/AOR/DEFENDANT'S STATMENTS

All observations, vessel inspections, Advice of Rights and defendant's statements were done by Ofcr. Amanda LLANES. Refer to her attached supplementary labelled as "Attachment A".

#### PHOTOGRAPHS

All photographs were taken by Ofcrs. Kelly WOODS, Amanda LLANES and Kainoa KEAWE. Refer to "Attachment B" for Ofcr. LLANES, "Attachment C" for WOODS and "Attachment D" for KEAWE.

#### EVIDENCE RECOVERED

All evidence was recovered by Ofcr. Kainoa KEAWE. Refer to his attached Property and Evidence receipt labelled as "attachment E".

#### DISPOSITION

In view of the above information and that this investigation is completed, I recommend that this case be routed to the Prosecutors Office for criminal prosecution and to Division of Aquatic Resources for civil penalties.

ROUTE CASE TO THE PROSECUTORS OFFICE AND DIVISION OF AQUATIC RESOURCES.



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

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CLOSED: ARRESTED AND CHARGED

**SUPPLEMENTAL**

Narrative Created By / Date <b>Llanes, Amanda</b> <i>A Llanes</i>	Approved By / On <b>09/10/2020</b>
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**ASSIGNMENT/ARRIVAL**

08-27-2020: 0700 HRS: I assigned myself to patrol at South Point in response to multiple ongoing complaints of illegal aquarium fish collectors taking fish from a prohibited area near South Point. I arrived at South Point at approximately 0730 HRS.

**OBSERVATION**

08-27-2020: 0730 HRS: Upon arriving at "broken road" on the northern cliff at South Point, I observed a white vessel sitting in the bay. The vessel was noted to be currently located within the boundaries of the West Hawaii Regional Fisheries Management Area (WHRFMA). Being that there were numerous complaints of illegal aquarium activity, I decided to photograph the vessel and make further observations of its activity.

**TIP RECEIVED**

While making observations of the vessel, I was approached by a local fisherman who informed me that the vessel that I was currently observing was owned by a man named Jason BEEVERS. The fisherman asked to remain anonymous, but stated that BEEVERS was out at least 4 times a week collecting aquarium fish in the closed area. The anonymous fisherman stated that he had personally observed hundreds of live fish aboard BEEVERS vessel after coming back to shore. The fisherman was upset, and was pleading that I do something to stop BEEVERS from taking so many fish for profit.

**INFORMATION**

08-27-2020: 0830 HRS: After making observations for approximately one hour, I called Hawaii Island Branch Chief Lino KAMAKAU and informed him of my observations, and of the information received. KAMAKAU stated that I could stay down at south point and wait it out if that is what I wanted to do. I decided to return to my home in Ocean View and switch out of my marked DOCARE vehicle and into my personal vehicle. This decision was made based off of information stating that the aquarium collectors had personal "look outs" that patrolled the area to make sure that there were no officers present before the vessel returned to shore. The information stated that if officers were present in the area, the vessel was contacted by the "look out" person, and informed that it was not safe to come back in. With this information, I decided that the best way to catch the activity would be in an undercover, stealthy manner.

**OBSERVATIONS CONTINUED**



## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

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08-27-2020: 0930 HRS: I returned back to South Point in my personal vehicle. At this time I observed that there was a vessel trolling far north of Kalae point heading underway in a northerly direction that appeared to be the same vessel previously observed. I decided to stage near Kaulana Boat Ramp and wait for the vessel to come back to shore.

08-27-2020: 1430 HRS: I observed a vessel that appeared to be the same vessel previously observed in the West Hawaii Fisheries Management Area. This vessel was approaching the ramp area from north of Kalae Point, heading in a southerly direction.

08-27-2020: 1500 HRS: Once the vessel was near the ramp, I was able to positively identify it as the vessel that I had seen in the morning. Before the vessel came into the ramp, it stopped approximately 200 yards outside of the ramp, for approximately 10 minutes, and then began heading in towards the ramp. As the vessel got closer, I observed that there were two male occupants on board. I was not able to observe anything within the vessel other than a large white cooler located in the back of the boat.

### SUBJECT IDENTIFIED

The suspect in this investigation, who is the owner and operator of the vessel identified to me as follows:

BEEVERS, Jason

DOB:

SSN:

### OBSERVATIONS

Once BEEVERS drove his vessel onto the trailer, I pulled up in my vehicle and got out to make contact. As I approached the vessel, BEEVERS noticed me approach, and was observed to rush to the back of the vessel. I jumped up onto the boat, and observed that he was shoving a large white fish bag into the corner of the starboard side of the vessel. I also observed a large white cooler in the back of the boat that was partially opened. Through the opening I was able to see what appeared to me to be live yellow tang fish. I could also hear water trickling inside of the cooler.

Near the cooler I observed SCUBA tanks, and an underwater torpedo propeller. I also observed multiple



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live bait fish buckets, hand nets, plastic containers used to hold live fish under water, and three pronged spears.

### SUSPECT CONTACTED

After boarding BEEVERS vessel, I identified myself as a Conservation Enforcement Officer, and asked if it was okay to do a routine boating inspection for his safety equipment. BEEVERS agreed to the inspection.

I used the DOCARE Report of Boarding form and requested to see a number of required items. BEEVERS had all of the required equipment aside from his visual distress signals which had expired in July. During the inspection, BEEVERS provided me with a Commercial Marine License. I then asked BEEVERS if he was out on the water today for commercial or recreational use. BEEVERS stated that he was out for commercial purposes. I then informed BEEVERS of the complaints that I had received about him collecting aquarium fish in a prohibited area. I informed him that due to the complaints, and due to my current observations that I will be advising him of his rights.

### ADVICE OF RIGHTS

08-27-2020: 1530 HRS: I advised BEEVERS of his rights by using the State of Hawaii DLNR/DOCARE Advice of Rights Form which I read verbatim. I read him the Advice of Rights portion of the form. I then proceeded to the Waiver of Rights portion of the form. BEEVERS elected by initialing the said form that he understood the rights I had read him, that he did not want a lawyer now, that he was willing to answer questions and make a statement, and that he did not want a lawyer during the interview. BEEVERS then signed that said form. Please refer to the attached form for full information.

### ADDITIONAL UNITS

08-27-2020: 1530HRS: Hawaii Island Branch Chief Lino KAMAKAU, assisting officers Kainoa KEAWE, Destiny HOOPII, Kelly WOODS, and NOAA Officer David CARRUTHERS arrived on scene.

### BEEVERS STATEMENT

After reading BEEVERS his rights, I asked him to explain in detail what he had done during the day. BEEVERS stated the following: He had left Kaulana Boat Ramp at approximately 0700 HRS. Once he left the ramp, initially he went trolling north, just past the ledge (Kalae Point). He continued by correcting himself and saying that he went a mile or two past the north of the ledge. He then stated that after going a mile or two north, that they trolled back south to Kaalualu in the ono lane, which he stated was at about 80 fathoms.

\*\* It should be noted that Kaalualu is outside of the WHRFMA, and is therefore a legal area to catch AQ fish if the collector has a Commercial Marine License, and is registered with the Division of Aquatics as an AQ collector.

BEEVERS then stated that once they got to Kaalualu, he collected the aquarium fish. I asked BEEVERS how many fish he had caught, he stated that there were about 300 yellow tang, and 3 Achilles Tang. He opened up the cooler fully and showed me the fish that he had caught. He stated that he caught the fish using a net (he then proceeded to a compartment on his vessel and pulled out a lay net). The lay net was not tagged, and therefore was not registered by the Division of Aquatics as required. He said he also used what is known as a slurp gun. He then retrieved the slurp gun at this time from a compartment, and demonstrated how he used the tool to capture the fish.

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After overhearing BEEVERS state that he had used the slurp guns, KAMAKAU informed me that he had inspected the slurp guns, and had seen that there was mud, and cobwebs inside of the slurp gun. He did not believe that BEEVERS was being honest about how he caught the fish. I kept a mental note of the observation, and continued my questioning of BEEVERS.

I informed BEEVERS that I had seen his vessel in the morning just north of Kalae point. I stated that I had then watched his vessel for about an hour, and had seen him go north. I told him that while I had stayed down at South Point I had not observed his vessel heading back south towards Kaalualu. BEEVERS responded by stating that I probably had not seen him because they had gone really far out and then went back in. I then reminded BEEVERS that he had just told me that he had trolled back in ono lane, which was very close to shore. BEEVERS then began to appear nervous. He did not respond to my comment. I asked BEEVERS if he had a GPS on board, to which he stated that he did, but that it doesn't work.

He then gave me permission to check the GPS. I turned on the GPS, and went to recent tracks. This program tracks a vessels trip, showing where the boat had gone throughout the day. According to the GPS, the vessel had left Kaulana Ramp, and had gone north, into the managed area, and had remained in the area all day until he returned to the ramp. This observation collaborated my own observations of the vessels activity. I showed what I had found on the GPS to BEEVERS. BEEVERS stated that he thought the GPS didn't work, and said to me that they did go to Kaalualu. I then showed BEEVERS the picture I had taken of his vessel early that morning, and asked if it was his vessel, he responded by stating yes it was. I then informed BEEVERS that at the time the picture was taken, that he was within the boundaries of the West Hawaii Fisheries Management Area. According to Hawaii Administrative rules, section 13-60.4-4(3)(B), it is prohibited to possess aquarium collecting gear while traversing within the managed area. BEEVERS stated that he was aware that he could not collect the fish in the managed area, but said that he didn't know that he could not have his gear on board if he was just trolling. I told BEEVERS that as a commercial fisherman, it was incumbent upon him to be aware of all of the rules and regulations. I told him that he was aware of the rules and that he was not being fully honest with me.

I then asked BEEVERS if he was registered as an Aquarium collector to which he responded that he was until they took the permits away from everyone. I stated to BEEVERS that according to my observations he currently was in violation of numerous sections. I listed the following violations to him; Possessing the AQ gear in the management area, possessing SCUBA gear and spear fishing equipment together on board, possessing a non registered lay net, having an unmarked unregistered AQ vessel, not having his AQ gear tagged and marked. BEEVERS acknowledged the violations. I then stated to BEEVERS that those were just the violations that I could observe at the time, but I said that I believed there were more violations. I asked BEEVERS if he was telling me the full truth about where he had collected the AQ fish. BEEVERS stated that he was being truthful. I then explained to BEEVERS that according to the observations, he had not gone where he said he had gone. BEEVERS did not respond.

**FISH COUNTED/RELEASED**

With the assistance of Officer WOODS, I counted the live fish in the holding tank. BEEVERS was in possession of 333 live Yellow Tang fish, and 3 live Achilles Tang. The fish count was recorded, photographed, and returned back to the ocean.

**EVIDENCE COLLECTED**

Evidence was collected in this case by assisting Officer Kainoa KEAWE. Please refer to the attached





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property and evidence receipt for full information.

### OBSERVATION

While collecting the evidence that BEEVERS had claimed to use to collect the AQ fish, I went to the corner of the vessel where I had observed BEEVERS hide something at the start of the contact. I picked up the white fish bag that he had shoved in the corner. Under the fish bag I found a mesh bag that contained another lay net. My initial observations led me to believe that the net was under the legal meshed size of 2 and 3/4 inches. After further inspection this net was in fact undersized. The mesh for this net was measured at 1 inch stretched eye mesh. It should be noted that the previous net that was claimed to have been used by BEEVERS was also measured to be 2 inches, which is under the legal size limit.

### CONTACT CONTINUED

After informing BEEVERS of the new found violations I told him that he was going to be cited for numerous violations. I informed him that worst case scenario, he could be arrested and his truck and vessel could be confiscated. I informed BEEVERS that I did not want that to happen, and said that if he cooperated, and told me the full story about where he had collected the fish, what gear he had used, that he would receive citations for the violations and would be able to go home with his truck and his boat. After further questioning, BEEVERS admitted to me that he had in fact collected the fish inside of the West Hawaii Fisheries Management Area, more specifically, he stated that he had collected the fish at multiple spots in the waters fronting Ranchos, Ocean View. BEEVERS also admitted that he had used the illegal nets to collect them. He stated that he had also used two hand nets. After overhearing BEEVERS story, KAMAKAU relayed to me that he had inspected the hand nets that BEEVERS claimed to use, and said that one net was wet and the other was dry, and so he did not believe that BEEVERS was being fully truthful.

### BEEVERS ARRESTED

Being that we were unable to collaborate the observations with the statement given by BEEVERS, and given the numerous number of violations, Chief KAMAKAU arrested BEEVERS. For full information on the arrest, please refer to KAMAKAU'S report.

### SCENE

The scene in this case is located on the Big Island of Hawaii, in the district of Ka'u. More specifically, the case was located near South Point, within the boundaries of the West Hawaii Fisheries Management Area. The boundaries of this area span from Kalae point, South Point, to Opolu Point, North Kohala. When the vessel was initially observed it was approximately 300 yards north of Kalae point. The vessel was subsequently observed at least 2 miles north of Kalae Point, within the management area.

The suspect in this case admitted to have collected fish in and around an area known as Pohue Bay. Which is approximately 10 miles north of Kalae Point, within the WHRFMA.

The suspect was then contacted at Kaulana Boat Ramp.

### PHOTOGRAPHS

Photographs were taken in this case by myself, Officer WOODS, and Officer KEAWE. Please refer to the attached photographic records for full information.

**State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement**

Log Number <b>HA-20-00604</b>	Report Number	District <b>WEST HAWAII (HAWAII)</b>	Lead Investigator <b>Kamakau, Lino M - KAMAL</b>
Date/Time Reported <b>08/27/2020 0831</b>	Location <b>SOUTH POINT</b>		Classification <b>DIV OF AQUATIC RESOURCES</b>
Status <b>ARR</b> <b>ARRESTED</b>		Activity Code <b>Marine Protected Areas (MPA)</b>	

**VIOLATIONS**

Please refer to KAMAKAU's master report for a full list of violations.

**DISPOSITION**

In view of the above information, and being that the arrest was made by Chief Lino KAMAKAU, I recommend this case be routed to KAMAKAU for his review and final disposition.

INV. CONTINUING

**SUPPLEMENTAL**

Narrative Created By / Date <b>Kamakau, Lino M</b>	Approved By / On <b>09/01/2020</b>
---	---------------------------------------

**INVESTIGATION**

Narrative Created By / Date <b>Kamakau, Lino M</b>	Approved By / On <b>09/04/2020</b>
---	---------------------------------------

On 08-27-20, at 1700 hrs., defendant Jason W.F. BEEVERS [REDACTED] of Naalehu was Arrested and Charged for Activities Prohibited within WHRFMA, Collecting of Aquatic Life, within a closed area, section 13-60.4-5(B)(1), of the Hawaii Administration Rules, along with numerous other violations. He was released on his own recognizance pending his court date set for Oct. 8, 2020, at 0830 hrs., at Kau-Kona District Court.

INV. CONTINUING

Attachment A  
State of Hawaii  
Department of Land and Natural Resources  
Division of Conservation and Resources Enforcement

**ADVICE OF RIGHTS**

Report/Citation # \_\_\_\_\_

I am a Conservation Enforcement Officer. I want to inform you of your rights.

1. You have the right to remain silent. You do not have to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and to have him with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
5. If you decide to answer the questions now without a lawyer present, you will still have the right to stop answering at any time and talk to a lawyer.

The Advice of Rights was administered to Jason Beevres

By A. Llanes  
Conservation Enforcement Officer

Kalae Ramp / K9a 8/27/2020 3:30  
Location Date Time

**WAIVER OF RIGHTS**

Initial

1. Do you understand the rights that I have just read to you? Yes J No \_\_\_\_\_
2. Do you want a lawyer now? Yes \_\_\_\_\_ No J
3. Are you willing to answer questions and make a statement? Yes J No \_\_\_\_\_
4. Do you want a lawyer during this interview? Yes \_\_\_\_\_ No J

[Signature] [Signature]  
Witness Subject's Signature  
08.27.20 1533 Hrs. 8/27/2020 3:23  
Date Time Date Time

Refused to sign / / \_\_\_\_\_

All the foregoing was translated into \_\_\_\_\_

By \_\_\_\_\_ Remarks: \_\_\_\_\_

## State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 08/27/2020 08:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

Report Description: Tropical Fish Diving Case at Kaulana Boat Ramp

Date/Time Taken: 08-27-2020/0730

Taken By: A.LLANES

Scene: South Point

Equipment: Iphone

Weather Conditions: Clear

Lighting: Daylight

Focus: Clear

1 Photo of BEEVER's vessel observed at approximately 0730 HRS within the WHFRMA.



2 Close up of BEEVER's Vessel observed in WHFRMA.



3 Photo of BEEVER's truck and trailer parked at Kaulana Boat ramp at approximately 0800 HRS.



4 Photo of BEEVER's vessel returning to Kaulana Boat Ramp at Approximately 1400 HRS.





INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 08/27/2020 08:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

Report Description: Tropical Fish Diving Case at Kaulana Boat Ramp

Date/Time Taken: 08-27-2020/1527

Taken By: K. WOODS *K. Woods*

Scene: Kaulana Boat Ramp in South Point, Hawaii *or*

Equipment: iPhone SE

Weather Conditions: Clear

Lighting: Daylight

Focus: Clear

1 Overview of Kaulana Boat Ramp at South Point.



2 View of suspect's truck with attached boat and trailer at Kaulana Boat Ramp.



3 View of silver Dodge Ram Pickup Truck belonging to BEEVERS with HI License Plate # [REDACTED]



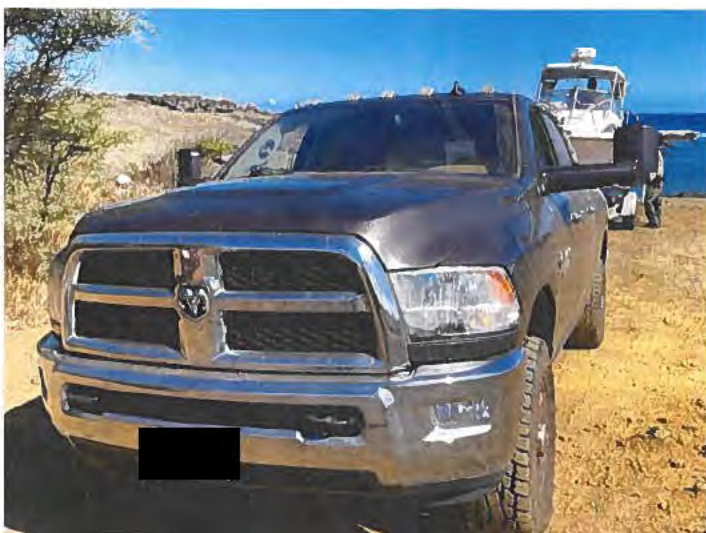
4 View of vessel operated by BEEVERS showing HA #9218H.





INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 08/27/2020 8:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

**5** View from front of vehicle belonging to BEEVERS with HI License Plate [REDACTED]



**6** View of BEEVERS sitting on boat with HA #9218H.



**7** Rear view of vessel showing Officer LLANES and BEEVERS.



**8** View of BEEVERS on deck of the vessel showing SCUBA tanks and gear.



INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 08/27/2020 8:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

**9** View of black diving fins on the side of the makeshift YETI cooler fish tank.



**10** View looking in to the cabin of BEEVERS' vessel, showing tropical fish collecting gear.



**11** Close-up view of the inside of the vessel's cabin, showing the tropical fish collecting gear.



**12** View of the GARMIN GPS on the Captain's console of BEEVERS' boat, depicting the vessel's path of travel for 08-27-2020.





INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 08/27/2020 8:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

**13** View of BEEVERS holding a scoop net used to collect aquarium fish.



**14** View of a red-colored lay net on the rear starboard side of the vessel.



**15** View of the makeshift fish tank that contained 333 Yellow Tangs and 3 Pakuikui on-board the vessel.



**16** View of makeshift fish tank, showing the air filtration system used to store the collected aquarium fish.





INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 08/27/2020 8:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

**17** View of the makeshift fish tank showing the 333 yellow tangs collected by BEEVER on 08-27-2020.



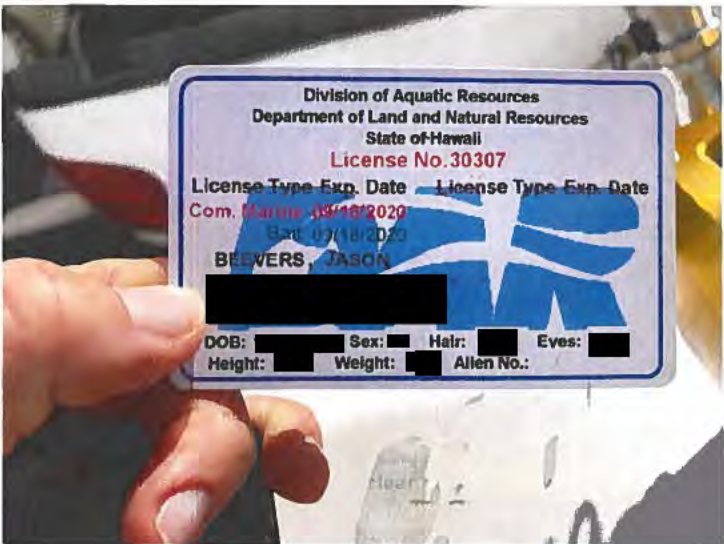
**18** View of the 3 Pakuikui within clear containers, within the makeshift fish tank.




**19** View of 1 of the 4 holding baskets within the makeshift fish tank, showing some of the Yellow Tang caught by BEEVERS.



**20** View of BEEVERS' DAR Commercial Marine License #30307 with expiration date 09-18-2020.



INVESTIGATION # HA-20-00604	DISTRICT West Hawaii District	LEAD INVESTIGATOR Lino Kamakau	KEY REPORT [ X ] Yes [ ]
DATE / TIME REPORTED 08/27/2020 8:31:00 AM	LOCATION South Point	CLASSIFICATION Prohibited Activities within Selected Areas (Collecting Aquarium Life)	CONNECTING REPORT(S)

21	View of suspect, Jason BEEVERS, HI Driver's License #H01471468.	22	
			
23		24	



INVESTIGATION # HA-20-00604	DISTRICT South Kona	LEAD INVESTIGATOR Lino KAMAKAU	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
DATE / TIME REPORTED 08/27/20 0830 Hrs	LOCATION Kaulana Boat Ramp	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

Report Description: Items recovered as evidence from suspect Jason BEEVERS

Date/Time Taken: 08-28-20/1030 Hrs.

Taken By: Keawe, Kainoa

Scene: Kaulana Boat Ramp

Equipment: Iphone

Weather Conditions: Clear

Lighting: Natural

Focus: Auto

1 Photo depicts overall view of 3 yellow and white "Frabill Flow-Troll" bait containers.



2 Photo depicts overall view of 3 blue and white "Danielson" bait containers.



3 Photo depicts overall view of 2 slurp guns with a red colored handle.



4 Photo depicts overall view of 2 pairs of black dive fins.





INVESTIGATION #  
HA-20-00604

DISTRICT  
South Kona

LEAD INVESTIGATOR  
Lino KAMAKAU

KEY REPORT  
☒ Yes ☐ No

DATE / TIME REPORTED  
08-27-20/0830 Hrs.

LOCATION  
Kaulana Boat Ramp

CLASSIFICATION  
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)

5 Black in color dive mesh bag with miscellaneous diving contents.



6 Green in color basket with a trap door on the bottom end and a fixed rope on the top.



7 Photo depicts a mid-range view of the trap door on the bottom end of the basket.



8 Photo depicts an overall view of 2 scoop nets approximately 35 inches in length.





INVESTIGATION # HA-20-00604	DISTRICT South Kona	LEAD INVESTIGATOR Lino KAMAKAU	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
DATE / TIME REPORTED 08-27-20/0830 Hrs.	LOCATION Kaulana Boat Ramp	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

**9** Photo depicts overall view of 2 silver in color scuba tanks.



**10** Photo depicts overall view of silver in color scuba tank with attached regulator and "Palantic" BCD.



**11** Photo depicts an overall view of a blue mesh bag containing a maroon in color monofilament lay net.



**12** Photo depicts an overall view of maroon colored lay net having an approximate height of 10 feet and 40 feet in length.





INVESTIGATION # HA-20-00604	DISTRICT South Kona	LEAD INVESTIGATOR Lino KAMAKAU	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 08-27-20/0830 Hrs	LOCATION Kaulana Boat Ramp	CLASSIFICATION MPA: PROHIBITED ACTIVITIES	CONNECTING REPORT(S)

**13** Photo depicts a close range view of the maroon colored monofilament lay net having a stretched mesh eye of approximately 1 inch.



**14** Photo depicts an overall view of black mesh bag containing a clear in color monofilament lay net.



**15** Photo depicts an overall view of clear monofilament lay net having an approximate height of 10 feet and 28 feet in length.



**16** Photo depicts a close range view the clear colored monofilament lay net having a stretched mesh eye of approximately 2 inches.





INVESTIGATION #  
HA-20-00604

DISTRICT  
South Kona

LEAD INVESTIGATOR  
Lino KAMAKAU

KEY REPORT  
☒ Yes ☐ No

DATE / TIME REPORTED  
08-27-20/0830 Hrs.

LOCATION  
Kaulana Boat Ramp

CLASSIFICATION  
MPA: PROHIBITED ACTIVITIES

CONNECTING REPORT(S)

**17** Photo depicts an overall view of the suspect's vessel plotter.



**18** Photo depicts a graphite three prong spear approximately 7 feet and 8 inches in length.



**19** Photo depicts a graphite/aluminum combo three prong spear approximately 5 feet and 10 inches in length.



**20** Photo depicts a graphite three prong spear approximately 6 feet and 5 inches in length.



## PROPERTY RECORD

[illegible]



**DOCARE - 8**

1. REPORT/CITATION NUMBER  
HA-20-00604

Item Number	Quantity	Description	Value	Engraving and Serial Number
1	3	YELLOW AND WHITE PLASTIC COLOR "FRABILL FLOW-TROLL" BAIT CONTAINERS	UNK	N/A
2	3	BLUE AND WHITE PLASTIC COLOR "DANIELSON" BAIT CONTAINERS	UNK	N/A
3	2	CLEAR PLASTIC SLURP GUN WITH A RED COLORED HANDLE	UNK	N/A
4	1	BLACK IN COLOR "HOLLIS F2" DIVE FINS SIZE XL	UNK	N/A
5	1	BLACK IN COLOR DIVE FINS SIZE XL. UNKNOWN MAKE AND MODEL	UNK	N/A
6	1	BLACK MESH DIVE BAG WITH MISC. CONTENTS	UNK	N/A
7	1	GREEN IN COLOR BASKET WITH A TRAP DOOR ON THE BOTTOM AND A FIXED ROPE ON THE TOP END.	UNK	N/A
8	2	METAL FRAME SCOOP NET APPROXIMATELY 35 INCHES IN LENGTH	UNK	N/A
9	2	SILVER IN COLOR SCUBA TANKS	UNK	N/A
10	1	SILVER IN COLOR SCUBA TANK WITH ATTACHED REGULATOR AND "PALANTIC" BCD	UNK	N/A
11	1	BLUE MESH BAG CONTAINING A MAROON MONOFILAMENT LAY NET WITH STRETCHED MESH EYE OF APPROX 1 INCH. NET IS APPROX 10 FT IN HEIGHT AND 40 FEET IN LENGTH.		
12	1	BLACK MESH BAG CONTAINING A CLEAR MONOFILAMENT LAY NET WITH A STRETCHED MESH EYE OF APPROX 2 INCHES. NET IS APPROX 10 FT IN HEIGHT AND 28 FT IN LENGTH	UNK	N/A
13	1	BLACK IN COLOR "GARMIN GPSMAP 741XS"	UNK	N/A

[illegible]

Badge No.	Officer	Rank	Unit	Assignment
1	John Doe	Officer	1st	Patrol
2	Jane Smith	Sergeant	2nd	Patrol
3	Mike Johnson	Officer	3rd	Patrol
4	Sarah Brown	Officer	4th	Patrol
5	David Wilson	Officer	5th	Patrol
6	Emily Davis	Officer	6th	Patrol
7	Robert Miller	Officer	7th	Patrol
8	Lisa Anderson	Officer	8th	Patrol
9	James Taylor	Officer	9th	Patrol
10	Alice White	Officer	10th	Patrol
11	Chris Green	Officer	11th	Patrol
12	Kevin Black	Officer	12th	Patrol
13	Nancy Grey	Officer	13th	Patrol
14	Paul Blue	Officer	14th	Patrol
15	Michelle Red	Officer	15th	Patrol
16	Benjamin Yellow	Officer	16th	Patrol
17	Stephanie Purple	Officer	17th	Patrol
18	Gregory Silver	Officer	18th	Patrol
19	Heather Gold	Officer	19th	Patrol
20	Timothy Bronze	Officer	20th	Patrol
21	Angela Copper	Officer	21st	Patrol
22	Christopher Iron	Officer	22nd	Patrol
23	Victoria Steel	Officer	23rd	Patrol
24	Matthew Nickel	Officer	24th	Patrol
25	Olivia Zinc	Officer	25th	Patrol
26	Joshua Lead	Officer	26th	Patrol
27	Sophia Tin	Officer	27th	Patrol
28	Andrew Aluminum	Officer	28th	Patrol
29	Chloe Plastic	Officer	29th	Patrol
30	Robert Rubber	Officer	30th	Patrol
31	Isabella Glass	Officer	31st	Patrol
32	William Paper	Officer	32nd	Patrol
33	Grace Fabric	Officer	33rd	Patrol
34	Henry Wood	Officer	34th	Patrol
35	Abigail Stone	Officer	35th	Patrol
36	Isaac Brick	Officer	36th	Patrol
37	Charlotte Concrete	Officer	37th	Patrol
38	Samuel Cement	Officer	38th	Patrol
39	Amelia Asphalt	Officer	39th	Patrol
40	Benjamin Sand	Officer	40th	Patrol
41	Victoria Gravel	Officer	41st	Patrol
42	Matthew Limestone	Officer	42nd	Patrol
43	Olivia Marble	Officer	43rd	Patrol
44	Joshua Granite	Officer	44th	Patrol
45	Sophia Slate	Officer	45th	Patrol
46	Andrew Gneiss	Officer	46th	Patrol
47	Chloe Schist	Officer	47th	Patrol
48	Robert Quartz	Officer	48th	Patrol
49	Isabella Feldspar	Officer	49th	Patrol
50	William Mica	Officer	50th	Patrol
51	Grace Garnet	Officer	51st	Patrol
52	Henry Amethyst	Officer	52nd	Patrol
53	Abigail Topaz	Officer	53rd	Patrol
54	Isaac Ruby	Officer	54th	Patrol
55	Charlotte Sapphire	Officer	55th	Patrol
56	Samuel Emerald	Officer	56th	Patrol
57	Amelia Opal	Officer	57th	Patrol
58	Benjamin Pearl	Officer	58th	Patrol
59	Victoria Jade	Officer	59th	Patrol
60	Matthew Onyx	Officer	60th	Patrol
61	Olivia Obsidian	Officer	61st	Patrol
62	Joshua Hematite	Officer	62nd	Patrol
63	Sophia Malachite	Officer	63rd	Patrol
64	Andrew Carnelian	Officer	64th	Patrol
65	Chloe Aquamarine	Officer	65th	Patrol
66	Robert Peridot	Officer	66th	Patrol
67	Isabella Tourmaline	Officer	67th	Patrol
68	William Zircon	Officer	68th	Patrol
69	Grace Spinel	Officer	69th	Patrol
70	Henry Kyanite	Officer	70th	Patrol
71	Abigail Sphene	Officer	71st	Patrol
72	Isaac Aegirine	Officer	72nd	Patrol
73	Charlotte Prehnite	Officer	73rd	Patrol
74	Samuel Nephrite	Officer	74th	Patrol
75	Amelia Jadeite	Officer	75th	Patrol
76	Benjamin Jasp	Officer	76th	Patrol
77	Victoria Labradorite	Officer	77th	Patrol
78	Matthew Fluorite	Officer	78th	Patrol
79	Olivia Amethyst	Officer	79th	Patrol
80	Joshua Quartz	Officer	80th	Patrol
81	Sophia Garnet	Officer	81st	Patrol
82	Andrew Topaz	Officer	82nd	Patrol
83	Chloe Ruby	Officer	83rd</	

Date/Time

33. CONNECTING REPORT NUMBERS



**REPORT OF  
BOARDING**

<b>REPORT OF BOARDING</b>		DATE <b>8/27/2020</b>		BOARDING TIME <b>3:14</b>		DOB <b>12/26/73</b>																																																													
<b>V E S S E L  D A T A</b>	VESSEL NUMBER <b>HA-9218-14</b>			VESSEL NAME <b>Kahakui</b>			HIN <div style="background-color: black; width: 100px; height: 20px;"></div>																																																												
	MAKE <b>Grady White</b>			POB	TYPE OF BOAT	PROPULSION	HULL MATERIAL																																																												
	MODEL			ADULT SIZE <b>5</b>	<input checked="" type="checkbox"/> Open M/B <input type="checkbox"/> Cabin M/B <input type="checkbox"/> Sail <input type="checkbox"/> Rowboat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Houseboat <input type="checkbox"/> Inflatable <input type="checkbox"/> Thrillcraft <input type="checkbox"/> Other (Specify):	<input checked="" type="checkbox"/> Outboard <input type="checkbox"/> Inbrd gas <input type="checkbox"/> Inbrd Diesel <input type="checkbox"/> Inbrd/Outbrd <input type="checkbox"/> Jet Propelled <input type="checkbox"/> Sail only <input type="checkbox"/> Manual <input type="checkbox"/> Other (Specify):	<input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber, Vinyl <input type="checkbox"/> Cement <input type="checkbox"/> Other (Specify):																																																												
	MODEL YR. <b>98</b>							NET TONS	LENGTH FT <b>24</b> IN	ENGINE COMPARTMENT																																																									
	HP <b>2x150</b>			USE 1. Commercial 2. Pleasure 3. Passenger	CHILD SIZE			<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg) <b>FUEL COMPARTMENT</b> <input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg) <b>CONSTRUCTION</b> <input type="checkbox"/> Open <input type="checkbox"/> Closed (F/E & Vent reg)																																																											
							<input type="checkbox"/> Unknown																																																												
<b>O W N E R</b>	NAME <b>Jason Beewers</b>						<input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. <input checked="" type="checkbox"/> OWNER WAS OPERATOR <input type="checkbox"/> OWNER ON BOARD NOT OPERATOR <input type="checkbox"/> OWNER NOT ON BOARD <input type="checkbox"/> RENTAL BOAT																																																												
	ADDRESS <div style="background-color: black; width: 100%; height: 30px;"></div>						<b>OPERATOR COURSES</b> <input type="checkbox"/> None <input type="checkbox"/> Red Cross <input checked="" type="checkbox"/> Coast Guard <input type="checkbox"/> Public School <input type="checkbox"/> CG Auxiliary <input type="checkbox"/> State/county <input type="checkbox"/> Power Squadron																																																												
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	ADDRESS						OPERATOR TELEPHONE:																																																												
	CITY <b>STATE</b> ZIP																																																																		
<b>O B S E R V E D  I N  U S E</b>	BODY OF WATER <b>Pacific</b>			DETAILED LOCATION <b>Kilauea Ramp</b>																																																															
	CITY <b>Ka'u</b>																																																																		
	COUNTY <b>Hawaii</b>																																																																		
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BACKFIRE FLAME CONTROL																																																																			
VENTILATION		OTHER (SPECIFY):																																																																	
NAV./ANCHOR LTS.																																																																			
<input checked="" type="checkbox"/> VISUAL DISTRESS SIGNALS <b>July 2020</b>		<b>ACTION TAKEN</b>																																																																	
NEGLIGENT OPERATION																																																																			
OTHER (SPECIFY):		CORRECTED ON THE SPOT																																																																	
		WARNING ISSUED																																																																	
OTHER (SPECIFY):		CITATION ISSUED																																																																	
		NO VIOLATION																																																																	
REMARKS (Continue on reverse, add extra sheets if necessary):																																																																			
BOARDING OFFICER'S NAME				RANK	UNIT	DISTRICT																																																													
DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT DEPARTMENT OF LAND AND NATURAL RESOURCES STATE OF HAWAII				BOARDING OFFICER'S SIGNATURE																																																															



# Hawaii Police Department

Booking Sheet for Inmate # B2005648

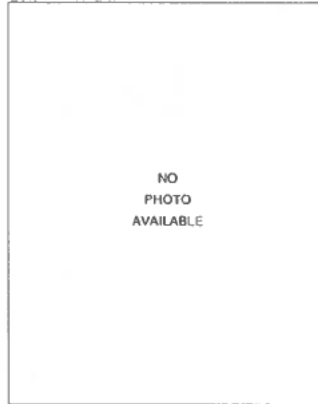
Name #: 98753

Name: BEEVERS, JASON

Address:



Born: GARLAND, TX



## Personal Identification

Drivers Lic:

State:

Pri Phone:

Local ID:

Sec Phone:

State ID:

Soc. Sec.:

FBI Num:



## Physical Description

DOB:

Eyes:

Race:

Glasses:

Sex:

Hair:

Hgt:

Hair Style:

Wgt:

Beard:



Complx:

Build:

Ethnic:



Assigned Housing:

Booking Date: 19:18:36 08/27/20

Current Location:

Booked By: LORENZO J L

Property Bag:

**Arrest Info:** On the above date and time, in the State and County of Hawaii, in the District of Kau, the above mentioned suspect is being processed as an M/P Out Assist, after he was arrested and charged for Prohibited Activities (Posses AQ Gear), in violation of Section 13-60.4-4 (3)(A) of the Hawaii Administrative Rules, as amended. This after DOCARE Officer, Amanda LLANES, conducted patrol in the area of Kalae Boat Ramp located at South Point. While at South Point, she was contacted by an unknown male party, who identified the suspect and his vessel as collecting Aquarium Fish. Officer LLANES observed the vessel as it was travelling north, just past "The Hoist" and continued observing the vessel, until it came into the Kalae Boat Ramp. Officer LLANES began to conduct a Boarding and while on board observed Aquarium collecting gear (bait buckets, scuba gear, and a makeshift fish tank with live tropical fish) on board, which is a violation to possess while within the West Hawaii Regional Fisheries Management Area (WHRFMA). The suspect was advised of his right, which he chose to waive and admitted to knowing that Aquarium collecting within the WHRFMA was prohibited. He also admitted to using SCUBA gear, a lay net and scoop nets to corral the fish into the net, south of Pohue Bay, which is 10 miles north of Kaulana Point, which is within the WHRFMA boundary. The suspect had a total of 333 Yellow Tang and 3 Pakuikui fish in his fish tank. This arrest/processing was done as a courtesy for DLNR DOCARE. All reports will be documented under DLNR Report #HA-20-00604. NCIC & CJIS Checks conducted, not a convicted felon. CLOSED: ARRESTED AND CHARGED

## No Active Holds Located

Warr # - CIC	Case#	Description	Charge#	CRT - DATE	Bail Amt	Arrest Date	Offense Date	Officer	OTN	DISP
-	20- 065325	MP OUT: MISC PUB-OUT ASSIST	C20-10224	HD6 - 08:30:00 10/08/20	\$0.00	17:24:06 08/27/20	17:24:06 08/27/20	LORENZO J L	57905R7	ROR

**\* REG. # (HA-XXXX-XX)**  
HA-9218-H**HULL ID**  
[REDACTED]**DECAL #**  
[REDACTED]**RAMP #**  
U44015**STATUS**  
ACTIVE**EXP. DATE (MM/YY)**  
10/20

PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER - MORTGAGEE   VESSEL   VESSEL MISC   HULL   NOTES

**\* VESSEL****NAME**  
KAHUKAI**YEAR BUILT**  
1997**YEAR MODEL**  
1998**\* FEET**  
24**\* INCHES**  
00**HOME BUILT?**  
☐**\* ENGINE****MANUFACTURER**  
YAMAHA**SERIAL NUMBER**  
[REDACTED]**\* TYPE OF VESSEL**

2-OPEN MOTORBOAT

**\* PRINCIPAL USE**

1-PLEASURE

**\* TYPE OF FUEL**

1-GASOLINE

**\* PROPULSION**

1-OUTBOARD

**\* = REQUIRED**

* REG. # (HA-XXXX-XX) HA-9218-H	HULL ID [REDACTED]	DECAL # [REDACTED]	RAMP # U44015	STATUS ACTIVE	EXP. DATE (MM/YY) 10/20
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PRINCIPAL OWNER   CO-OWNER   LIEN HOLDER - MORTGAGEE   VESSEL   VESSEL MISC   HULL   NOTES

**HULL**

\* NUMBER OF HULLS  
1

\* HULL MANUFACTURER  
GRADY WHITE

\* HULL COUNTRY  
UNITED STATES

\* HULL COLOR  
WHITE

\* CABIN COLOR  
WHITE

\* TRIM COLOR  
WHITE / BLUE

\* HULL MATERIAL

3-FIBERGLASS/PLASTIC

* REG. # (HA-XXXX-XX) HA-9218-H	HULL ID [REDACTED]	DECAL # [REDACTED]	RAMP # [REDACTED]	STATUS ACTIVE	EXP. DATE (MM/YY) 10/20
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PRINCIPAL OWNER CO-OWNER LIEN HOLDER - MORTGAGEE VESSEL VESSEL MISC HULL NOTES

**PRINCIPAL OWNER****BUSINESS**\* LAST NAME  
SPARKS\* FIRST NAME  
GLENNMIDDLE NAME  
EDDYDATE OF BIRTH (MM-DD-YYYY)  
[REDACTED]CONTACT PHONE XXX-XXX-XXXX  
[REDACTED]\* EMAIL  
[REDACTED]\* CITIZENSHIP OF OWNER  
UNITED STATES**MAILING ADDRESS**\* STREET1  
[REDACTED]\* CITY  
[REDACTED]\* STATE  
[REDACTED]\* ZIP CODE  
[REDACTED]\* COUNTRY  
[REDACTED]

PROVINCE

**STREET ADDRESS**☒ SAME AS MAILING ADDRESS

\* = REQUIRED

LAST UPDATED: 10-25-2019 09:25:41 AM , Loviann C Domingo



§13-75-12.4 Lay nets. (a) It is unlawful for any person within the jurisdiction of state waters to:

- (1) Possess or use a lay net that has not been registered with the department;
  - (2) Possess or use a lay net which is, or lay nets which, except as provided in section 13-60.4-6, are:
    - (A) Longer than one hundred twenty-five feet in length when set end to end, and more than seven feet in stretched height; and
    - (B) Of less than two and three-fourths inches stretched mesh, except as provided in section 13-52-2(2)(A);
  - (3) Possess or use a multi-panel lay net;
  - (4) Possess or use a lay net that does not have at least four identification tags as specified or provided by the department. One identification tag must be attached at each end of both the net float line and the net lead line for a total of four attachment points on each lay net; or
  - (5) Fish with more than one lay net at a time.
- (b) It is unlawful for any person using the lay net fishing method to:
- (1) Use a lay net that is not marked by surface buoys as specified or provided by the department. The buoys shall display the lay net registration number, be marked with reflective tape, and be visible above the surface of the water. The buoys shall be attached to each end of the float line for a total of two buoys for each lay net;
  - (2) Use a lay net within two hundred fifty feet of another lay net, except as provided in section 13-60.4-6;
  - (3) Use a lay net in water greater than twenty-five feet in depth; provided that a person with a commercial marine license may use a lay net in water depths up to eighty feet, except as provided in section 13-60.4-6;
  - (4) Use a lay net for more than four hours during any one set; provided that after one set, the same lay net may not be used again within twenty-four hours after the ending of

the set; and provided further that the same person shall not set any other lay net within that twenty-four hour period after the ending of the set;

- (5) Leave a lay net unattended for more than one-half hour;
- (6) Retrieve a lay net in such a manner as to cause any stony coral to break from its attachment to the bottom or to break into smaller pieces. Any stony coral brought to the surface in the net shall be considered prima facie evidence of a violation of this section;
- (7) Fail to complete inspection of an entire lay net within two hours after the beginning of the set. The person lay net fishing shall inspect the lay net and release any threatened, endangered, prohibited, or unwanted species;
- (8) Discard, abandon, or leave any lay net, or portion thereof, in the water for longer than four hours;
- (9) Use a lay net in freshwater streams or stream mouths; or
- (10) Use a lay net during the period from one-half hour after sunset to one-half hour before sunrise.

(c) It is unlawful for any person to falsely identify, with identification tags, any lay net that is not registered with the department as required in subsection (a).

(d) Should any registered net be lost, destroyed, sold, traded, stolen, given away, or otherwise no longer the property of, or no longer in the possession of the registered owner, then the registered owner shall be responsible for the lay net until a report is filed and confirmed by the department.

(e) Any lay net, within the jurisdiction of state waters, that is not registered or that does not have proper identification tags or surface buoys as required in subsections (a) and (b), shall be considered contraband and subject to immediate seizure by the department.

(f) It is unlawful for any person to use a lay net in the following areas as provided in the table describing the boundary coordinates or locations for the prohibited fishing areas, located at the end of this chapter, entitled, "Table of Descriptions of Lay Net Fishing Prohibited Areas", dated April 19, 2006; and in the maps located at the end of this chapter, entitled, "Map of Lay Net Fishing Prohibited Area: Maui", dated April 19, 2006; "Map of Lay Net Fishing Prohibited Areas: O'ahu", dated April 19, 2006; and "Map of Lay Net Fishing Prohibited Area: Kane'ohe Bay, O'ahu", dated April 19, 2006:

- (1) Island of Maui;
- (2) Kawaihoa Point to Keahi Point, O'ahu;
- (3) Mokapu Point to Wailea Point, O'ahu; or
- (4) Kane'ohe Bay, O'ahu.

(g) Any person violating any subsection of this provision shall be subject to penalty as provided under chapter 187A, HRS. Each violation may constitute a separate offense." [Eff and comp 3/2/07; am DEC 26 2013 ] (Auth: HRS §§187A-5, 188-53)  
(Imp: HRS §§187A-5, 188-53)

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60.4

WEST HAWAI'I REGIONAL FISHERY MANAGEMENT AREA, HAWAI'I

\$13-60.4-1	Intent and purpose
\$13-60.4-2	Geographical jurisdiction of chapter provisions
\$13-60.4-3	Definitions
\$13-60.4-4	Activities prohibited within the West Hawai'i regional fishery management area
\$13-60.4-5	Activities prohibited within selected areas
\$13-60.4-6	Lay net registration and use requirements
\$13-60.4-7	Aquarium collecting permit and vessel registration requirements
\$13-60.4-8	Penalty
\$13-60.4-9	Severability

Historical note: Chapter 13-60.4 is based substantially upon chapter 13-60.3 and is simultaneously adopted upon repeal of that chapter. All rights, duties, penalties, and responsibilities incurred under chapter 13-60.3 are intended to be transferred to chapter 13-60.4 upon its adoption. [Eff 12/31/99; am, ren, and comp 8/1/05; R 12/26/13]

\$13-60.4-1 Intent and purpose. (a) The intent and purpose of this chapter regarding the West Hawai'i regional fishery management area shall be to:

- (1) Establish the West Hawai'i regional fishery management area for improved management of consumptive and nonconsumptive uses of aquatic resources;
- (2) Ensure the sustainability of the State's nearshore ocean resources;
- (3) Identify areas with resource and use conflicts;
- (4) Minimize user conflicts and resource depletion in the West Hawai'i regional fishery management area, by designating fish replenishment areas and identifying other regulated areas where aquarium fish collecting is prohibited, areas where the use of gill nets as set nets is prohibited, and establishing a portion of the fish replenishment areas as fish reserves where no fishing of reef-dwelling fish is allowed;
- (5) Establish a system of day-use mooring buoys in high-use coral reef areas and prohibit anchoring in some of these areas to prevent anchor damage to corals;
- (6) Identify areas and resources of statewide significance for protection;
- (7) Facilitate scientific research and monitoring of the nearshore resources and environment; and
- (8) Facilitate the substantive involvement of the community in resource management decisions for the West Hawai'i regional fishery management area through dialogue with community residents and resource users.

(b) Native Hawaiian traditional and customary rights with regard to marine resources for subsistence, cultural, and religious purposes are recognized. Claims for traditional and customary rights will be decided by appropriate agencies when a claims procedure is established. [Eff 12/26/13]  
(Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-2, 188F-3, 188F-4, 188F-6)

§13-60.4-2 Geographical jurisdiction of chapter provisions. (a) The provisions of this chapter shall



apply to the West Hawai'i regional fishery management area, bounded by the west coast of Hawai'i Island, from Ka Lae, Ka'ū (South Point) to 'Upolu Point, North Kohala, and extending from the upper reaches of the wash of the waves on shore, seaward to the limit of the State's police power and management authority.

(b) The following marine reserves, fish replenishment areas, and netting restricted areas shall be established within the boundaries of the West Hawai'i regional fishery management area (as depicted in the exhibit entitled "Map of Marine Reserve, Fish Replenishment Area, and Netting Restricted Area Boundaries", dated 12/12/12, located at the end of this chapter):

- (1) Ka'ūpūlehu marine reserve, identified on shore to the north by the northern boundary of the Ka'ūpūlehu ahupua'a and to the south by the southern side of Kikaua Point (south of Kūki'o Bay);
- (2) North Kohala fish replenishment area, identified on shore to the north by Kamilo Gulch and to the south by the Kawaihae Lighthouse;
- (3) Puakō-'Anaeho'omalu fish replenishment area, identified on shore to the north by the southern end of the Puakō Bay and Puakō Reef fisheries management area and to the south by the southern side of 'Anaeho'omalu Bay (Kapalaoa);
- (4) Kaloko-Honokōhau fish replenishment area, identified on shore to the north by the southern boundary of Wāwālolī Zone (a Kona Coast fisheries management area defined in section 13-58-2) at Wawahiwa'a Point and to the south by Noio Point;
- (5) Kailua-Keauhou fish replenishment area, identified on shore to the north by the southern boundary of Kailua Bay Zone, Kona Coast fisheries management area defined in section 13-58-2, and to the south by the northern boundary of the Keauhou Bay fisheries management area defined in section 13-57-1;
- (6) Red Hill fish replenishment area, identified

- on shore to the north at Nenu Point and to the south by Keawakāheka Point;
- (7) Nāpo'opo'o-Hōnaunau fish replenishment area, identified on shore to the north by the southern boundary of Kealakekua Bay marine life conservation district (Manini Beach Point) and to the south by the southern boundary of Pu'uhonua o Hōnaunau (Ki'ilae);
  - (8) Ho'okena fish replenishment area, identified on shore to the north by Loa Point and to the south by Ka'ū Loa Point;
  - (9) Ka'ohe Beach fish replenishment area (Pebble Beach), identified on shore to the north by signage south of Ka'ū Loa Point, and to the south by signage north of 'Au'au Point;
  - (10) Miloli'i fish replenishment area, identified on shore to the north by Makahiki Point and to the south by Kāki'o Point;
  - (11) Kikaua Point-Mākole'ā Point netting restricted area, identified on shore to the north by Kikaua Point (Kalae o Kikaua) and to the south by Mākole'ā Point (near Kekaha Kai State Park);
  - (12) Nenu Point-Kealakekua Bay netting restricted area, identified on shore to the north by the northern boundary of the Red Hill fish replenishment area and to the south by the northern boundary of the Kealakekua Bay marine life conservation district;
  - (13) Hanamalo Point-Kanewa'a Point netting restricted area, identified on shore to the north by Hanamalo Point, inclusive of Okoe Bay and Kapu'a Bay, and to the south by Kanewa'a Point, South Kona; and
  - (14) Kanonone-Kalīpoa netting restricted area, identified on shore to the north by Kanonone, inclusive of Pōhue Bay, Kahakahakea, and identified to the south by Kalīpoa, Ka'ū.

Unless otherwise described, any area described in this chapter shall be described by four reference points identified by their latitude and longitude

coordinates, as provided in the tables located at the end of this chapter entitled "Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries", dated 12/12/12, and "Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 12/12/12, and as may be further indicated by signage on or about the shoreline. The four points shall be identified as the landward northern point, the landward southern point, the seaward northern point, and the seaward southern point. The landward boundary for each of these areas shall be an imaginary line drawn along the highest wash of the waves between the landward northern point and the landward southern point. Should there be a stream or river flowing into the ocean, the landward boundary shall be an imaginary straight line drawn between the shoreline on either side of the stream or river, as if the stream or river was not there. Imaginary straight lines drawn through the landward and seaward northern points, and through the landward and seaward southern points, shall constitute the northern and southern boundary lines of each area. The seaward boundary of each area shall be determined by an imaginary line drawn along the one hundred fathom (six hundred feet) depth contour, between the intersection of the one hundred fathom depth contour and the northern and southern boundary lines. Seaward GPS reference points are for guidelines and the one hundred fathom depth contour otherwise controls the seaward boundary. Any area designated in this chapter shall include the submerged lands and overlying waters within these four boundaries.

(c) The following areas, designated and subject to additional regulations in other chapters, shall also be considered and regulated as part of the West Hawai'i regional fishery management area:

- (1) Lapakahi marine life conservation district, as described in chapter 13-33;
- (2) Kawaihae Harbor fisheries management area, as described in chapter 13-55;
- (3) Wailea Bay marine life conservation district, as described in chapter 13-35;
- (4) Old Kona Airport marine life conservation district, as described in chapter 13-37;



- (5) Kealakekua Bay marine life conservation district, as described in chapter 13-29;
- (6) Puakō Bay and Puakō Reef fisheries management area, as described in chapter 13-54;
- (7) Kiholo Bay fisheries management area, as described in chapter 13-60;
- (8) Kailua Bay fisheries management area, as described in chapter 13-52;
- (9) Keauhou Bay fisheries management area, as described in chapter 13-57;
- (10) Kona Coast fisheries management area, as described in chapter 13-58;

Except for the area encompassed by the Kawaihae Harbor fisheries management area, Kawaihae commercial harbor shall not be regulated as part of the West Hawai'i regional fishery management area.

(d) Nothing in this chapter shall be construed as allowing within the West Hawai'i regional fishery management area any activity otherwise prohibited by law or rules adopted by the department of land and natural resources or any other department of the State. [Eff 12/26/13; am 7/29/16] (Auth: HRS §§187A-5, 188-53, 188F-6, 190-3) (Imp: HRS §§187A-5, 188-53, 188F-2, 188F-3, 188F-4, 188F-6, 190-3)

§13-60.4-3 Definitions. As used in this chapter unless otherwise provided:

"Aquarium collecting gear" means any equipment or gear adapted, designed, or commonly used to collect, capture or maintain aquatic life alive in a state of captivity, including but not limited to hand nets, fence or barrier nets, fiberglass, plastic, wood or metal 'tickle sticks' (including spears or similar implements used to manipulate the movement of aquarium fish or animals), catch buckets, keeps, baskets or venting needles.

"Aquarium collecting vessel" means any motorized or non-motorized vessel used by any person to collect, ferry, or scout for aquarium fish or animals.

"Aquarium purposes" means to hold aquatic life alive in a state of captivity, whether as pets, for scientific study, for public exhibition, for public

display, or for sale for these purposes. Aquatic life collected under a valid aquarium permit may not be used for human consumption, for bait, or for other consumptive purposes.

"Aquatic life" means any type or species of mammal, fish, amphibian, reptile, mollusk, crustacean, arthropod, invertebrate, coral, or other animal that inhabits the freshwater or marine environment and includes any part, product, egg, or offspring thereof; or freshwater or marine plants, including seeds, roots, products, and other parts thereof.

"Commercial purpose" means the taking of aquatic life for profit, gain, sale, purchase, barter, exchange, to offer for sale, or upon any offer to purchase.

"Department" means the department of land and natural resources.

"Deploy" means to place the specified gear in the water, in whole or in part.

"Fish feeding" means deliberately introducing into the water any food material, substance, or device used as an attractant, for any purpose except catching and removing marine life.

"Fishing gear" means any net, spear, rod, reel, hook-and-line, slurp gun, or any other equipment or gear adapted, designed, or commonly used to take or capture aquatic life.

"Hook-and-line" means a fishing line to which one or more hooks or other tackle are attached. A hook-and-line may include a fishing rod or reel or both to deploy and retrieve the line, and the use of a landing net to land hooked fish.

"Kona crab net" means a mesh net encircled by a rigid frame no more than three feet in length in any direction.

"Lay net" means a panel of net mesh that is suspended vertically in the water with the aid of a float line that supports the top edge of the net upward towards the water surface and a lead line that keeps the bottom edge of the net downward towards the ocean bottom.

"Lay net fishing" or to "lay net fish" means deploying or attempting to deploy a lay net in a set location and in an open configuration, and retrieving the lay net from the same location after a certain



time period has passed. This fishing method is also known as set netting, cross netting, pa'ipa'i, and moemoe netting. This term does not apply to the use of a lay net to completely encircle a pre-identified school of fish, where the net is constantly attended at all times while in the water, such as in the practice of surround netting.

"Marine reserve" means an area where any and all extraction of reef-related marine life, either alive or dead, or any portion of the reef structure, including coral, rocks, plants, algae, sand, shells, or any feature of the natural reef, shall be prohibited, except as allowed in this chapter.

"Natural fibers" means fibers derived wholly from plant materials including, olonā, linen, cotton, hemp, and sisal.

"SCUBA gear" means any equipment adapted, designed, or commonly used to enable a diver to breathe while underwater, including but not limited to SCUBA regulators, high pressure cylinders, rebreathers, SNUBA, and hookah rigs.

"SCUBA spearfishing" means to take or to attempt to take aquatic life through the combined use of a spear and SCUBA gear.

"Set" when used as a noun with respect to the use of lay nets, means a sequential act beginning from when the lay net is fully deployed in the water and ending on the next complete removal of the lay net from the water.

"Spear" means any device or implement which is designed or used for impaling marine life. Spears may include but are not limited to spear gun shafts, arbaletes, arrows, bolts, Hawaiian slings, tridents, or three-prong spears. A dive knife is not considered to be a spear.

"Speared" means pierced, impaled, penetrated, stuck, or run through by a sharp, pointed implement.

"Take" means to fish for, catch, or harvest, or to attempt to fish for, catch, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, or harvest, or to attempt to fish for, catch, capture, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or in the shoreline area where

aquatic life can be fished for, caught, or harvested, shall be construed as taking.

"Total length" means the length of a fish measured from the tip of the snout to the tip of the longer lobe of the caudal (tail) fin. The length measurement shall be a straight-line measure, not measured over the curvature of the body of the fish.

"White list" means a list of species of marine life that may be taken for aquarium purposes. [Eff 12/26/13; am 7/29/16] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6)

§13-60.4-4 Activities prohibited within the West Hawai'i regional fishery management area. While within the West Hawai'i regional fishery management area, no person shall:

- (1) Take, kill, possess, sell, or offer for sale, any specimen of the following species: *Aetobatus narinari* (spotted eagle ray), *Carcharhinus amblyrhynchos* (gray reef shark), *Carcharhinus melanopterus* (blacktip reef shark), *Cassis cornuta* (horned helmet), *Charonia tritonis* (Triton's trumpet), *Dasyatis hawaiiensis* (Hawaiian stingray), *Dasyatis lata* (broad stingray), *Pteroplatytrygon violacea* (pelagic stingray), *Galeocerdo cuvier* (tiger shark), *Rhincodon typus* (whale shark), or *Triaenodon obesus* (whitetip reef shark);
- (2) Possess more than five *Zebrasoma flavescens* (yellow tang) larger than 4.5 inches in total length, or possess more than five *Zebrasoma flavescens* smaller than two inches in total length;
- (3) Possess aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes:
  - (A) Between sunset and sunrise, provided that collecting gear or collected aquatic life may be possessed after sunset or before sunrise if notification by phone is made to the Division of Aquatic Resources West



Hawai'i (DAR-Kona) office prior to sunset. The notification shall include the names of individuals who plan to possess the gear or aquatic life and the location where the possession will take place;

- (B) Without holding a valid West Hawai'i aquarium permit issued pursuant to section 13-60.4-7(a);
  - (C) In violation of the terms and conditions of a West Hawai'i aquarium permit issued to that person; or
  - (D) While occupying any vessel that does not conform to the registration and marking requirements of section 13-60.4-7(d);
- (4) Possess or use any net or container employed underwater to capture or hold aquatic life alive for aquarium purposes, that is not labeled with the commercial marine license number or numbers of the person or persons owning, possessing or using the equipment;
  - (5) Possess a lay net or engage in lay net fishing in violation of the requirements of section 13-60.4-6; or
  - (6) Engage in or attempt to engage in SCUBA spearfishing, possess both SCUBA gear and a spear at the same time, or possess SCUBA gear and any specimen of speared aquatic life at the same time. [Eff 12/26/13]  
(Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-3)

§13-60.4-5 Activities prohibited within selected areas. (a) No person may engage in fish feeding while within any of the marine reserves, fish replenishment areas, or netting restricted areas described in section 13-60.4-2(b) or any of the other areas listed in section 13-60.4-2(c).

(b) While within the fish replenishment areas described in section 13-60.4-2(b)(2) to (10), or while within any of the areas listed in section 13-60.4-2(c) other than the Kiholo Bay fisheries management area,

no person may:

- (1) Collect aquatic life for aquarium purposes; or
- (2) Possess any aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes, except that aquarium collecting gear or aquatic life collected for aquarium purposes may be possessed while onboard a vessel in active transit through the areas, provided that no collecting gear is in the water during the transit. Boats that are adrift, anchored, or moored are not considered to be in active transit.

(c) No person may lay net fish while within the following areas, as described in section 13-60.4-2(b) and in the tables located at the end of this chapter entitled "Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries", dated 12/12/12, and "Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 12/12/12:

- (1) Puakō-'Anaeho'omalu fish replenishment area;
- (2) Kikaua Point-Mākole'ā netting restricted area (Kekaha Kai State Park);
- (3) Nenue Point (Red Hill fish replenishment area)-Kealakekua Bay netting restricted area;
- (4) Hanamalo Point-Kanewa'a Point netting restricted area;
- (5) Kanonohe-Kalīpoa netting restricted area; and
- (6) Kaloko-Honokōhau fish replenishment area, except that a person may lay net fish in the Kaloko-Honokōhau fish replenishment area using only a locally-constructed, handmade lay net of natural fibers, that is registered and used in compliance with section 13-60.4-6.

(d) Except as provided in subsection (e), and subject to all other applicable laws, while within the Ka'ūpūlehu marine reserve no person may:

- (1) Take or attempt to take any specimen of aquatic life, provided that the following species may be taken by hook-and-line seaward of the twenty fathom (120 feet) depth contour: *Pristipomoides filamentosus*



(‘ōpakapaka), *Pristipomoides sieboldii* (kalekale), *Aphareus rutilans* (lehi), *Pristipomoides zonatus* (gindai), *Etelis coruscans* (onaga), *Etelis carbunculus* (ehu), *Epinephelus quernus* (hāpu‘upu‘u), *Aprion virescens* (uku), *Lutjanus kasmira* (ta‘ape), *Cephalopholis argus* (roi), *Lutjanus fulvus* (toau), *Iniistius pavo* (nabeta), *Katsuwonus pelamis* (aku), *Thunnus* spp. (ahi and tombo), Family *Istiophoridae* (a‘u), *Acanthocybium solandri* (ono), *Coryphaena* spp. (mahimahi); and provided further that *Ranina ranina* (kona crab) may be taken by kona crab nets only, while seaward of the twenty fathom (120 feet) depth contour;

- (2) Possess any specimen of marine life other than the species listed in subsection (d) (1) above;
- (3) Possess or use any fishing gear other than hook-and-line or kona crab nets or both; or
- (4) Deploy any fishing gear (including hook-and-line or kona crab nets) shoreward of the twenty fathom (120 feet) depth contour.

(e) The department may issue permits in accordance with sections 187A-6 and 188-53, Hawaii Revised Statutes, for the take of non-native or invasive species of fish and invasive algae from the Ka‘ūpūlehu Marine Reserve.

(f) Subsections (d) and (e) of this section shall be effective until June 30, 2026, or until the effective date of rules implementing a comprehensive fisheries management plan as developed by the department in consultation with the Ka‘ūpūlehu community and other interested parties, whichever occurs later. [Eff 12/26/13, am 7/29/16] (Auth: HRS §§187A-5, 188-53, 188F-6, 190-3) (Imp: HRS §§187A-5, 188-53, 188F-6, 190-3)

§13-60.4-6 Lay net registration and use requirements. (a) It is unlawful for any person within the West Hawai‘i regional fishery management area to:

- (1) Possess or use a lay net that has not been

registered with the department;

- (2) Possess or use more than one lay net;
- (3) Possess or use a lay net:
  - (A) Longer than one hundred twenty-five feet in length or more than seven feet in stretched height;
  - (B) With less than two and three-fourths inches stretched mesh; and in Kailua Bay fisheries management area, with less than three inches stretched mesh; or
  - (C) With two or more joined lay nets with a combined total length of more than two hundred fifty feet;
- (4) Possess or use a multi-panel lay net; or
- (5) Possess or use a lay net that does not have at least four identification tags as specified or provided by the department. One identification tag must be attached at each end of both the net float line and the net lead line for a total of four attachment points on each lay net.

(b) It is unlawful for any person lay net fishing to:

- (1) Use a lay net that is not marked by buoys as specified or provided by the department. The buoys shall display the lay net registration number, be marked with reflective tape, and be visible above the surface of the water. The buoys shall be attached to each end of the float line for a total of two buoys for each lay net;
- (2) Use a lay net within one thousand two hundred feet of any other lay net; provided that two or more individuals working together and using the lay net fishing method may use a joined net;
- (3) Use a lay net in water that is more than eighty feet in depth;
- (4) Use a lay net for more than four hours during any one set; provided that after one set, the same lay net may not be set again within twenty-four hours after the ending of the set; and provided further that the same person shall not set any other lay net within

that twenty-four hour period after the ending of the set;

- (5) Leave a lay net unattended for more than one-half hour;
- (6) Retrieve a lay net in such a manner as to cause coral to break from its attachment to the bottom or to break into smaller pieces. Any coral brought to the surface in the net shall be considered prima facie evidence of a violation of this section;
- (7) Fail to complete inspection of an entire lay net within two hours after the beginning of the set. The person lay net fishing shall inspect the lay net and release any threatened, endangered, prohibited, or unwanted species; or
- (8) Discard, abandon, or leave any lay net, or portion thereof, in the water for longer than four hours.

(c) It is unlawful for any person to falsely identify, with identification tags, any lay net that is not registered with the department as required in subsection (a)(1) and (a)(5).

(d) Persons using a vessel or float may use a total maximum of two hundred fifty feet of lay net, provided that at least two persons are present and associated with the same vessel or float.

(e) Should any registered lay net be lost, destroyed, sold, traded, stolen, given away, or otherwise no longer the property of, or no longer in the possession of the registered owner, then the registered owner shall be responsible for the lay net until a report is filed and confirmed by the department.

(f) Any lay net within the West Hawai'i regional fishery management area that is not registered or does not have proper identification tags, as required in subsection (a)(1) and (a)(5), shall be subject to immediate seizure according to section 199-7, HRS, and subject to forfeiture by the department under procedures similar to chapter 712A, Hawaii Revised Statutes.

(g) This section shall not apply to panel mesh nets with a stretched mesh size of less than two and



three-fourths inches that are marked with commercial marine license numbers as required under section 13-60.4-4(4), and permitted for use and possession under an aquarium permit and a West Hawai'i aquarium permit issued under section 13-60.4-7(a). [Eff 12/26/13]  
 (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-6, 199-7, 712A-6)

**§13-60.4-7 Aquarium collecting permit and vessel registration requirements.** (a) West Hawai'i aquarium permit. The department may issue West Hawai'i aquarium permits authorizing persons to engage in aquarium collecting activities for species listed in subsection (b) and to use fine meshed traps and nets (other than throw nets) to collect those species in the West Hawai'i regional fishery management area, notwithstanding section 13-75-14, subject to terms and conditions the department deems necessary for the management of the area and its resources. No person, unless exempted from provisions of this chapter by the issuance and possession of a valid special activity permit under section 187A-6, Hawaii Revised Statutes, shall engage in aquarium collecting activities within the West Hawai'i regional fishery management area without first having been issued and possessing a West Hawai'i aquarium permit in addition to a valid State of Hawai'i aquarium fish permit. Permits shall be valid for one year from the date of issuance unless revoked sooner, and are non-transferable. In addition to applying any other penalties provided by law, the department may revoke any West Hawai'i aquarium permit for any infraction of these rules or the terms and conditions of the permit, and any person whose permit has been revoked shall not be eligible to apply for another West Hawai'i aquarium permit until the expiration of one year from the date of revocation.

(b) Aquarium species white list. In addition to other regulations deemed necessary for the management of the West Hawai'i regional fishery management area, an aquarium permit holder may only take or possess specimens of the following species of fish for aquarium purposes while within the West Hawai'i regional fishery management area: *Acanthurus achilles*



(Achilles tang), *Acanthurus dussumieri* (eyestripe surgeonfish), *Acanthurus nigricans* (goldrim surgeonfish), *Acanthurus nigrofuscus* (brown surgeonfish), *Acanthurus olivaceus* (orangeband surgeonfish), *Acanthurus thompsoni* (Thompson's surgeonfish), *Anampses chrysocephalus* (psychedelic wrasse), *Canthigaster jactator* (whitespotted Toby), *Centropyge fisheri* (Fisher's angelfish), *Centropyge potteri* (Potter's angelfish), *Cephalopholis argus* (peacock grouper), *Chaetodon kleinii* (blacklip butterflyfish), *Chaetodon miliaris* (milletseed butterflyfish), *Chaetodon multicinctus* (multiband butterflyfish), *Chaetodon quadrimaculatus* (fourspot butterflyfish), *Chaetodon tinkeri* (Tinker's butterflyfish), *Cirrhitilabrus jordani* (flame wrasse), *Cirrhitops fasciatus* (redbarred hawkfish), *Coris gaimard* (yellowtail Coris), *Ctenochaetus hawaiiensis* (chevron tang), *Ctenochaetus strigosus* (goldring surgeonfish, kole), *Dascyllus albisella* (Hawaiian Dascyllus), *Forcipiger flavissimus* (forcepsfish), *Gomphosus varius* (bird wrasse), *Halichoeres ornatissimus* (ornate wrasse), *Hemitaurichthys polylepis* (pyramid butterflyfish), *Lutjanus kasmira* (bluestripe snapper), *Macropharyngodon geoffroy* (shortnose wrasse), *Melichthys niger* (black Durgon), *Naso lituratus* (orangespine unicornfish), *Ostracion meleagris* (spotted boxfish), *Paracirrhites forsteri* (blackside hawkfish), *Pseudanthias hawaiiensis* (Hawaiian longfin Anthias), *Pseudocheilinus octotaenia* (eightline wrasse), *Pseudocheilinus tetrataenia* (fourline wrasse), *Pseudojuloides cerasinus* (smalltail wrasse), *Sufflamen bursa* (lei triggerfish), *Thalassoma duperrey* (saddle wrasse), *Xanthichthys auromarginatus* (gilded triggerfish), and *Zebrasoma flavescens* (yellow tang); provided further that:

- (1) No *Zebrasoma flavescens* (yellow tang) may be taken or possessed in violation of section 13-60.4-4(2);
- (2) No more than five *Ctenochaetus strigosus* (goldring surgeonfish or kole) larger than four inches in total length may be taken per day or possessed at any time; and
- (3) No more than ten *Acanthurus achilles* (Achilles tang) may be taken per day, or possessed at any time.

(c) Aquarium collecting vessel registration and marking requirements. All aquarium collecting vessels shall:

- (1) Be registered every year with the Division of Aquatic Resources West Hawai'i (DAR-Kona) office to take aquatic life for aquarium purposes within the West Hawai'i regional fishery management area. Each registration shall be valid for one year from the date of registration. The current vessel identification number issued by either the department or the United States Coast Guard shall serve as the registration number for each vessel;
- (2) Clearly display the capital letters "AQ" permanently affixed to both sides of the vessel, either near the top of the gunwales or on the superstructure. Unless otherwise specified, the "AQ" letters shall be no less than six inches high and three inches wide in either black or a color that contrasts with the background;
- (3) Fly a "stiffened" flag or pennant from the vessel with the letter "A" as specified by the department. The flag or pennant shall be provided at cost to aquarium permittees as specified by the department. The flag or pennant shall be displayed and clearly visible from both sides of the vessel at all times while aquarium collecting gear or collected aquarium marine life or both are onboard;
- (4) Display a dive flag at all times when divers are in the water; and
- (5) In the event an aquarium collecting vessel becomes inoperable, the operator of the vessel shall immediately notify the department's division of conservation and resources enforcement or United States Coast Guard or both by VHF radio or by cellular phone or both.

(d) Control date. A control date was established in August 1, 2005 to possibly limit participation in the West Hawai'i regional fishery management area

commercial aquarium fishery. Persons who begin fishing in the West Hawai'i regional fishery management area commercial aquarium fishery on or after the control date will not be assured continued participation if the department establishes an aquarium limited entry program in the future.

(e) Nothing in this chapter shall prevent the department from establishing another control date. [Eff 12/26/13] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-5, 188-53, 188F-3)

**§13-60.4-8 Penalty.** Any person violating any provision of this chapter, or any term or condition of any permit issued pursuant to this chapter, shall be subject to the provisions of sections 187A-12.5 and 188-70, Hawaii Revised Statutes, or as may be otherwise provided by law. [Eff 12/26/13] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§187A-12.5, 188-53, 188-70)

**§13-60.4-9 Severability.** If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff 12/26/13] (Auth: HRS §§187A-5, 188-53, 188F-6) (Imp: HRS §§1-23, 187A-5, 188-53, 188F-6)



SOH DLNR/DAR  
74-380 Kealahou Pkwy.  
Kailua-Kona, HI 96740

08-27-2020  
OFCR. K. KEAWE

HA-20-00604  
WH  
MPA:  
PROHIBITED ACTIVITIES

PAGE 1 OF 2

ASSIGNMENT/ARRIVAL:

On 08-27-20 at approximately 1430 hours, I received information from Ofcr. A. LLANES that a vessel that she had been monitoring in the area of South Point from earlier in the day, was heading in towards Kaulana Boat Ramp. LLANES reported that the vessel was observed within the closed area of the West Hawaii Regional Fishery Management Area (WHRFMA), possibly collecting aquarium fish. I arrived to the area of Kaulana Boat Ramp on 08-27-20 at about 1525 hours.

OFFICERS OBSERVATIONS:

Upon arriving at the boat ramp, I observed a gray in color truck with a boat on a trailer attached to the vehicle. The vehicle was parked just above the boat ramp area. I observed LLANES near the vessel speaking with a male party later identified as Jason BEEVERS. As I approached LLANES she began to advise BEEVERS of his rights. After witnessing BEEVERS being advised of his rights, I was going to begin taking photos of the area. Prior to conducting photos, I observed that Ofcr. K. WOODS, who arrived on scene, had begun taking photos.

I then assisted LLANES by recovering evidence from the vessel. I reversed my work vehicle alongside of the vessel, at which point I began storing items which LLANES was handing me while she was onboard the vessel.

EVIDENCE RECOVERED:

On 08-27-20 at about 1630 hours, evidence was recovered while at Kaulana Boat Ramp. For more information refer to the property and evidence receipt attached to this report.

PHOTOS TAKEN:

Photos were taken of the items recovered while at the DOCARE office in Honokohau. For more information, refer to the photographic record attached to this report.

DISPOSITION:

In view of the above information, I recommend this case be closed, arrested and charged, and a copy of this report be routed to the lead investigator for their information.

CLOSED: ARRESTED AND CHARGED

KONA	ST. PARKS
HILO	DOBOR
KAMUELA	PROSECUTOR
HONOLULU	FEDERAL
AQUATICS	HP
DOFAW	OCCL
LAND DIV	Not - End handwritten P. Corbett 10-1-20



SOH DLNR/DAR  
74-380 Kealakehe Pkwy.  
Kailua-Kona, HI 96740

08-27-2020  
OFCR. K. KEAWE

HA-20-00604

WH

MPA:

PROHIBITED ACTIVITIES

PAGE 2 OF 2

APPROVED

D. Klovig  
09-14-20/0925



K. KEAWE  
CREO III  
09-02-2020

#241  
NH  
1330 HRS

PROHIBIT

PROHIBIT